

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
BUREAU OF HUMAN RESOURCES  
August 19, 2003

**HUMAN RESOURCES MEMORANDUM 10-03**

TO: All Agency Department Heads, Human Resource Representatives

**SUBJECT: IMPLEMENTATION OF PL 2003, CH. 230 "AN ACT TO ENSURE COMMUNICATION ABOUT PUBLIC COMPLAINTS AGAINST STATE EMPLOYEES"**

PL 2003, Chapter 230, amended the Civil Service Law (5 MRSA, § 7036, new sub-§ 28) to require that ". . . each state agency establish a policy that makes certain that complaints filed by the public against a state employee or a group of state employees area addressed by that agency." The new law also requires that each agency establish and publish ". . . the most effective way for the public to file a complaint with the agency, a procedure for the agency to address complaints from the public and a provision that requires the agency to notify a complainant of the outcome of the complaint." Significantly, the notification concerning the disposition of a complaint ". . . does not authorize the release of confidential information [client or employee] that may not otherwise be released to the public." This legislation is effective September 13, 2003.

The intent of this legislation is to provide the public with a meaningful and effective way to file a complaint with an agency and to provide the complainant with an assurance that the complaint has been addressed. It is the responsibility of the Director, Bureau of Human Resources, to ensure that each agency has a policy that addresses the guiding principles of this legislation.

In order to meet the letter and spirit of this legislation, each agency is required to:

- Develop and implement a complaints and investigations policy. The policy must conform with the bargaining agreements with respect to complaints and investigations as well as the confidentiality provisions provided in the Civil Service Law (5 MRSA, §7070) and individual agency statutes. A copy of the final agency policy must be forwarded to BHR.
- Publish a one-page information sheet describing how a complaint should be filed (whether received by letter, phone, email or in person), to whom a complaint should be directed, and a general overview of how the agency complaint process works. The one-page information sheet should be prominently posted in the lobby of all agency offices, printed for distribution as a handout or by mail/fax, and posted to the agency website.
- Designate one or more agency employees as a contact for outside complaints with the responsibility to track the receipt of complaints and to ensure that complainants are advised of the disposition of the complaint within the limits of confidentiality laws.
- Post the complete agency policy on the agency website.

The legislation does not prescribe a specific format for individual agency policies. That notwithstanding, policies should address the following components:

- Purpose
- Investigation Procedure that includes (1.) how a complaint should be filed and to whom, (2.) how/by whom complaints will be assigned, (3.) agency-appropriate investigation process.
- Notification of Complainant regarding the outcome of the complaint to the extent permitted by confidentiality statutes.

***S/ Donald A Wills***

Donald A. Wills, Director  
Bureau of Human Resources