



**Department of Health and Human Services  
Office of the Commissioner  
Policy and Procedure Statement**

Policy # DHHS-23-06

Issue Date: 2/15/06

Revised Date:

**I. SUBJECT**

Personnel Complaints

**II. POLICY STATEMENT**

Service in the public sector requires that a relationship of trust and confidence exist among State employees and the public. Department of Health & Human Services (DHHS) employees are expected to exercise their best judgment in the performance of their duties while treating all persons with whom they interact in an honest, respectful, and civil manner. In addition to establishing standards of professional conduct for Department staff, the Department acknowledges an obligation to review performance brought into question by members of the public and to take appropriate corrective action when appropriate.

**III. RATIONALE**

The purpose of this policy is to establish a standardized complaints reporting and tracking procedure to be utilized when members of the public wish to file a complaint concerning the conduct or job performance of a Department employee. DHHS will make every effort to ensure that no adverse consequence occurs to any person filing a formal complaint or any person who provides information that portrays Department staff unfavorably. Any DHHS employee who subjects a complainant or person who provides such information to such recrimination will be subject to appropriate disciplinary action.

Investigative policies regarding patient abuse, mistreatment, neglect or exploitation and established grievance procedures related to services delivery to consumers and/or their families remain in full force and are unaffected by this policy.

**IV. PROCEDURE STATEMENT**

1. DHHS supports the right of any member of the public to bring forward legitimate complaints concerning allegations of employee misconduct. To this end, a copy of the document "HOW TO FILE A PERSONNEL COMPLAINT" will be posted at all agency locations and on the DHHS website. A copy of this document is incorporated into this policy as Attachment #1 and will be provided to anyone requesting this information. Complaints can be filed electronically, in person, by mail, or by telephone. Anonymous complaints will not generally be accepted.
2. Any DHHS supervisor or manager who receives a verbal complaint from a member of the public regarding the malfeasance or misfeasance of another Department staff person shall document the complaint in detail. Documented verbal complaints and written complaints will be forwarded to the Commissioner's Office or the Department's Human Resources Office as appropriate. The complaint will be entered into the Department's database maintained for this purpose.

3. Upon receipt of a complaint, the Department's Human Resources Director shall determine whether the complaint should be investigated and by whom. The Bureau of Employee Relations will be consulted on potential criminal conduct to ensure appropriate collaboration and coordination with law enforcement authorities.
4. Investigations of complaints shall be completed within a reasonable time with written reports submitted as appropriate.
5. All investigations shall comply with the provisions of applicable collective bargaining agreements and agency policy.

**V. REPORT**

1. When applicable, the report shall include a summary of interviews with the complainant, synopsis, finding(s) of fact, chronology of the investigation, and documentation of compliance with the employee's contractual rights.
2. Recommendations regarding the disposition of an investigation or discipline generally are not included in the investigation report. Such recommendations should only be included in consultation with the appointing authority.

**VI. NOTIFICATION TO THE COMPLAINANT**

Upon final disposition, the complainant will be notified of the outcome of the investigation to the extent permitted by civil service and agency confidentiality laws.

**VII. ADMINISTRATIVE RESPONSIBILITIES**

The Director, Human Resources, DHHS shall ensure that:

- All complaints received and investigations conducted remain confidential consistent with applicable statutes.
- All complaints and any subsequent investigations are documented and the complainant notified of the disposition of the complaint.
- An annual summary is prepared for the Commissioner that includes statistical data that may identify training needs, enhanced supervision, or other pertinent issues.

**VIII. DISTRIBUTION**

This policy will be posted on the Department's website and in each Departmental office.

**IX. ATTACHMENT**

How to File a Personnel Complaint.

## **HOW TO FILE A PERSONNEL COMPLAINT**

If you wish to file a complaint concerning the conduct or actions of a member of DHHS please:

Ask to speak with any DHHS supervisor or manager and inform that individual you wish to file a personnel complaint. The DHHS supervisor or manager will document your concerns and forward your complaint in written form to the Commissioner's Office or the Department's Human Resources Office as appropriate.

You may also initiate a complaint by telephone 287-3707, by TTY 1-800-606-0215 or FAX 287-8299.

Written complaints may be sent to the attention of the Commissioner's Office or the Director, Human Resources at:

Department of Health and Human Services  
State House Station #11  
221 State Street  
Augusta, Maine 04330-0011

Complaints should contain your name, address, and telephone number along with the specifics of your complaint. You will be notified when the investigation is completed and informed of the final disposition of the matter, within the limits of confidentiality statutes.