



**DEPARTMENT OF
DEFENSE, VETERANS AND EMERGENCY MANAGEMENT**

33 State House Station, Augusta, Maine 04333-0033
(207) 430-6000

DVEM Policy and Procedure Statement 22-02

June 13, 2022

TO: All Defense, Veterans and Emergency Management Employees

FROM: Major General Douglas A. Farnham, Commissioner and Adjutant General

SUBJECT: Complaint Procedures

1. This policy supersedes DVEM Policy and Procedure Statement 14-04, dated December 2, 2014, subject as above. This policy will remain in effect until rescinded or superseded.

2. **PURPOSE**

A relationship of trust and confidence between employees of the Department of Defense, Veterans and Emergency Management and the communities they serve is essential to the effective operation of state government. Departmental employees must be free to exercise their best judgment in the performance of their duties. Department employees also have a special obligation to respect the rights of all persons. The Department of Defense, Veterans and Emergency Management acknowledges its responsibility to establish a complaint system and procedures that not only will subject the Department's state employees to corrective action when improper conduct has occurred but will also protect its employees from unwarranted or spurious criticism when they discharge their duties properly. The purpose of these procedures is to provide prompt, fair and open disposition of complaints regarding the conduct of state employees of the Department of Defense, Veterans and Emergency Management.

It is the policy of the Department of Defense, Veterans and Emergency Management to encourage the public to comment when the conduct of an employee is believed to be improper. The Department of Defense, Veterans and Emergency Management will make every effort to ensure that no adverse consequences occur to any person as a result of having made a complaint. Any employee of the Department who subjects a complainant or witness to retaliation or recrimination will be subject to appropriate disciplinary action.

DVEM Policy and Procedure Statement 22-02
SUBJECT: Complaint Procedures

Note: This Complaint Policy is not applicable to complaints by employees of the Department and is not a substitute or alternative to the established procedures for complaints by Department employees.

3. PROCEDURE

a. The Department of Defense, Veterans & Emergency Management encourages the public to bring forward legitimate complaints regarding misconduct by its employees. To this end, a copy of "How to File a Personnel Complaint" will be posted at departmental worksites, on departmental websites and will be given to anyone requesting this information.

b. Any employee of the Department of Defense, Veterans & Emergency Management who receives a complaint shall, as soon as practicable, notify the Deputy Commissioner of the details of the complaint for evaluation and assignment.

c. Upon receipt of a complaint, the Deputy Commissioner shall acknowledge receipt to the complainant and determine whether the complaint should be investigated and by whom. Complaints of criminal conduct should be forwarded to the Bureau of Employee Relations to coordinate cooperation with appropriate law enforcement authorities. State of Maine Human Resources shall be notified of all outside complaints received and included in all communications sent to Employee Relations.

d. Investigations of complaints shall be completed within a reasonable time. The Deputy Commissioner may impose a target date for an interim or final report and may require a written report of the investigation.

e. It is the responsibility of the assigned investigator to thoroughly and confidentially investigate the matter and to report his or her findings to the Deputy Commissioner. All relevant information obtained by the investigator shall be included or reflected in the report.

f. All investigations shall comply with the provisions of the applicable bargaining agreement (Complaints & Investigations).

4. REPORT

a. When applicable, a written report shall include a summary of interviews with the complainant, synopsis of the investigation, findings of fact, chronology of the investigation and documentation of compliance with employee's contractual rights.

DVEM Policy and Procedure Statement 22-02
SUBJECT: Complaint Procedures

b. Unless requested by the Deputy Commissioner/complaint officer, the report of investigation shall not include any recommendation regarding discipline of any Department employee.

5. 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.

6. ADMINISTRATIVE RESPONSIBILITIES

The Deputy Commissioner/complaint officer shall ensure that:

- The records of all citizen complaints and consequent investigations remain confidential as allowed or required by law, regulation or agency rule.
- Each complaint and corresponding investigation is documented
- An annual summary is prepared for the Commissioner. The annual report to the Commissioner should include statistical data that will aid in identifying the possible need for training, supervision or other pertinent issues.

7. Point of Contact is the Deputy Commissioner at (207) 430-5997.

Encl

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Major General Douglas A. Farnham
Commissioner and The Adjutant General



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HOW TO FILE A PERSONNEL COMPLAINT

If you wish to make a complaint about the actions of a Department of Defense, Veterans & Emergency Management employee or about any aspect of the operation of the Department, please come to the department headquarters at Camp Chamberlain or contact:

**Mr. Scott A. Young, Deputy Commissioner
(207) 430-5997 or scott.a.young@maine.gov**

Written complaints should be mailed to Mr. Young at:

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The complaint should identify you and contain specific details about this complaint.

The receipt of your complaint will be formally acknowledged in writing.

Your complaint will then be investigated and you may be contacted to provide additional information about your complaint.

If the investigation is going to exceed 30 days, you will be contacted in writing about the circumstances of the delay and when you may anticipate a final disposition.

When the investigation of your complaint has been completed, the Deputy Commissioner will review the findings and you will receive a written explanation of the final disposition of the matter, within the limits of confidentiality laws.

POSTING