

CIVIL SERVICE MERIT BOARD RULES – CITY OF KNOXVILLE

Article 17 – Civil Service Investigations

17.01 Authority

Pursuant to the City of Knoxville Charter, Article X. Sections 1003. (F) and (G) and the City of Knoxville Code, Chapter 15. Section 15-53 and 15-54, the Civil Service Merit Board has the authority and responsibility to hear allegations of discrimination with regard to personnel practices, to conduct any investigation it deems necessary into matters of personnel administration, and to specify rules as to the conduct of investigations.

17.02 Purpose

The City of Knoxville (the “City”) prohibits discrimination in employment on the basis of race, color, sex, age, religion, national origin, and disability. The City will take all necessary steps to comply with existing federal and state fair employment laws and guidelines. The City is committed to providing a work environment that is free of discrimination.

In keeping with this commitment, the City maintains a strict policy prohibiting sexual harassment or any other harassment based on a protected class such as race, color, disability, national origin, age, sex, or religion. Any unlawful harassing conduct in the workplace, whether committed by supervisors or non-supervisory employees, is strictly prohibited.

17.03 Employee Complaints of Discrimination and/or Harassment

Any employee who believes he or she has been the subject of discrimination or harassment due to his or her sex, race, religion, age, national origin, color or disability should submit a written complaint of the alleged act immediately to the Civil Service Director. Upon request by the affected employee, the Board staff shall assist him/her with the transcription of the complaint as needed. In the alternative, the written report may be made to the Director of Law. If such a report is made by an employee to any supervisor, Director, or Senior Director, the party to whom the report and written complaint has been made must notify the Civil Service Director or the Director of Law as soon as possible. If the employee making the complaint does not believe his or her complaint is being addressed, the employee should immediately report this situation directly to the Civil Service Director or, in the alternative, to the Director of Law.

If deemed necessary upon review by the Civil Service Director, an investigation of the complaint will be undertaken by the Civil Service Director, or alternatively the Director of Law, as soon as possible after the report is made. This investigation may include, but is not limited to, interviews of witnesses and an examination of relevant documents. A summary report of facts will be submitted by the Civil Service Director, or Director of Law, to the Mayor, Department Head of the accused employee, and the Director of Law.

17.04 Investigation Procedures

Upon receipt of a written complaint by an employee who believes he or she has been the subject of discrimination or harassment due to his or her sex, race, religion, age, national origin, color or disability, the Civil Service Director shall serve a notice of the complaint, to include the date, place, and circumstance of the allegation(s) as soon as is practicable to the Department Head of the department alleged to be responsible for the discrimination or harassment, to the Director of Law, and to the Mayor.

After serving notice, the Civil Service Director shall make an initial review of the charges as soon as is practicable. If it is determined upon initial review that the circumstances are not appropriate for the investigation process, a written explanation shall be provided to the

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complainant and shall be copied to the Department Head of the department alleged to be responsible for the discrimination or harassment, to the Director of Law and to the Mayor.

If it is determined upon initial review that the circumstances are appropriate for the investigation process, a Civil Service investigation shall be initiated as soon as is practicable. Civil Service investigations shall be conducted by the Civil Service Director and shall include an attorney from the Law Department to serve as co-investigator and witnesses to the investigation. A member of KPD Internal Affairs Unit or another trained member of the Civil Service staff may also serve as a co-investigator at the request of the Civil Service Director on an as-needed basis. Investigations shall include, but are not limited to, any or all of the following: interviews of the complainant and the accused, interviews of witnesses, and review of relevant documents. Pursuant to the City of Knoxville Charter, Article X., Section 1003. (F) (4), the Civil Service Board shall have the power to administer oaths and to secure, by subpoena, in the name of the City, the attendance and testimony of witnesses and the production of records and papers relevant to any investigation which it deems necessary concerning the administration of personnel. To the extent possible, scheduling of interviews shall be coordinated with the Department Head of the employee being interviewed so that work flow is not disrupted. To the extent practicable, interviews will be taped.

As may be appropriate, City employees questioned will be presented with, and have explained to them, a Garrity Warning which states that City employees questioned as part of a Civil Service investigation are compelled to answer questions or be subject to disciplinary action, up to termination and that no information provided by a City employee as part of a Civil Service investigation may be used against him/her in a criminal matter.

At the conclusion of the fact finding process, a Summary Report of Facts shall be submitted by the Civil Service Director to the Mayor, Department Head of the accused employee, and the Director of Law for judgment and disciplinary considerations. The Civil Service Director shall also submit a letter to the complainant advising him/her that the investigation is complete.

All investigations will be conducted in the most sensitive manner possible, however, complete confidentiality cannot be guaranteed.

17.05 Non-Retaliation Policy

There shall be no retaliation against an employee who brings any good faith complaint of unlawful harassment or discrimination or against any employee who provides good faith testimony or evidence as required during an investigation.