

CHAPTER 23 ETHICS COMPLAINTS

1.0 GENERAL ETHICS COMPLAINT PROVISIONS. The purpose of this Chapter is to provide a formal and systematic means of obtaining consideration and resolution of ethics complaints regarding merit employees. Review and an attempt to resolve complaints should commence with informal discussions at the lowest and most direct level possible. In addition, it is the County's intent to comply with the requirements of the County Officers and Employees Disclosure Act (Utah Code 17-16a). Nothing in this Chapter shall supersede Administrative Officers' authority to take disciplinary action as outlined in the Davis County Merit System Ordinance and Personnel Policies and Procedures.

A. Ethics Complaints shall include complaints regarding employee conflicts of interest, failure to disclose such conflicts, and misuse of official position as specifically prohibited under Utah Code 17-16a. Ethics complaints shall not include disputes that are governed under Chapter 21 Grievances. Only the ethics complaint presented originally shall be considered on appeal as the procedure progresses. To ensure this limitation, a copy of the original complaint shall be filed with the Personnel Director.

B. Any individual who has an ethics complaint that cannot be resolved through informal discussions with the involved employee may file a complaint under the provisions of this Chapter within fifteen (15) working days after the occurrence of the alleged violation. This fifteen (15) day limitation may be waived if the complainant was unaware of the alleged violation before the time limit expired. However, in no case shall a complaint be considered more than one (1) year after the event giving rise to the complaint.

C. Failure to proceed to a higher step in the resolution procedure within the time period specified will terminate the complaint review process. Failure to render a decision within the allotted time at any step constitutes denial, and the complainant may then proceed to the next step.

D. Complainants and witnesses involved in ethics complaints shall not be subject to retaliation from County employees and officials due to their participation in these procedures.

2.0 PROCEDURE. If a formal complaint is filed, it shall be filed in writing, signed by the complainant, and processed in the following manner:

A. Step 1. The complainant shall present the written complaint to the accused employee, with a copy sent to the Personnel Director. The complaint shall state the alleged violation, the relevant dates and parties involved, and the remedy or action requested. The employee shall give the complainant a written decision, with a copy sent to the Personnel Director, within fifteen (15) working days of the date of filing. If the

complaint remains unresolved or if the decision is considered unacceptable, the complainant may proceed to Step 2.

B. Step 2. Within fifteen (15) working days after the receipt of the decision in Step 1, or after the decision is due, the complainant shall present the written complaint to the employee's Administrative Officer (elected official or department director). The Administrative Officer shall then schedule a conference with the involved party(ies) within fifteen (15) working days after the receipt of the complaint. The Administrative Officer shall render a written decision to the complainant, with a copy sent to the Personnel Director, within fifteen (15) working days after the completion of the conference. If the complaint remains unresolved or if the decision is considered unacceptable, the complainant may proceed to Step 3.

C. Step 3. Within fifteen (15) working days after the receipt of the decision in Step 2, or after the decision is due, the complainant may appeal by submitting the complaint in writing to the County Ethics Commission. The Ethics Commission shall then schedule a hearing with the involved parties not less than ten (10) nor more than thirty (30) working days after receipt of the appeal. The Ethics Commission shall proceed in accordance with Section 2.68.060 of the Davis County Code.

2.1 All parties to a hearing with the Ethics Commission shall be entitled to counsel or representation of their own choosing at their own expense.