

**The Idaho Department of Fish and Game considers the following document to be an agency guidance document for purposes of Idaho Executive Order 2020-002. The guidance document is not new law; it is the Department's interpretation or implementation of existing law.**

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## IDAHO DEPARTMENT OF FISH AND GAME

### **Personnel Complaint PROCEDURE NO.: HRS-5.0**

Revision Date: October 2016

The purpose of this procedure is to help supervisors and management address complaints received from the public regarding an Idaho Department of Fish and Game (Department) employee. Complaints consist of any allegation of misconduct or improper job performance, which if true, would constitute a violation of Department policy or a local, state, or federal law.

Complaints against Department employees are considered a priority and will be investigated and resolved as quickly as possible.

#### **A. Complaint Classification**

1. The employee's immediate supervisor shall determine if the complaint is an informal concern or if it warrants documentation as an official complaint. The Department reserves the right to fully investigate any complaint, even those made informally.
  - a. Informal Complaint – A concern regarding an employee's conduct may be classified as an informal complaint when the allegations are less serious in nature, the reporting party wishes to remain anonymous, or when the reporting party does not want to file a complaint in writing. Informal complaints shall be handled by the employee's immediate supervisor and may not require a formal investigation. Informal complaints may, but need not be documented on an official complaint form (HRS-001). The immediate supervisor shall answer questions by the complainant regarding the employee's actions. These complaints generally include clarification regarding policy or procedure. Informal complaints are generally closed after supervisory contact with complainant.
  - b. Formal Complaint – A concern regarding the actions of an employee, which if true, would violate Department policy, or a local, state, or federal law. Formal complaints should be documented on HRS-001, Personnel Complaint form. Formal complaints require investigation.

#### **B. Filing a Formal Complaint**

1. In Person
  - a. Complaints can be filed in person at a regional or headquarters office. The complaining party shall be given the Personnel Complaint form (HRS-001). The complainant shall fill out the form, provide contact information, and sign the declaration.
  - b. The form will be scanned and emailed, or sealed in an envelope and delivered to the employee in question's immediate supervisor.



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#### 2. Electronically/Mail

- a. If a complaint is received electronically or by mail, it shall be forwarded directly to the employee's immediate supervisor.

#### 3. Telephone

- a. If a member of the public wants to file a complaint over the telephone, the name and phone number of the complainant shall be taken and given immediately to the employee's immediate supervisor.
- b. The immediate supervisor will follow up with the individual and will encourage them to file the complaint via the Personnel Complaint form so that a signature may be obtained.

All formal complainants will be required to sign (physically) the certification oath that the information provided is true to the best of their knowledge. If a complainant refuses to sign the certification truth, the complaint will be considered informal.

### **C. Complaint Investigation**

1. The supervisor will notify the applicable Manager and Human Resources of the complaint.
2. The immediate supervisor will conduct the investigation. All investigations will be handled at the lowest level of supervision reasonable.
  - a. If the complaint includes an employee and their supervisor, it shall be forwarded up the supervisory chain-of-command for investigation.
  - b. If a complaint alleges criminal activity or sexual harassment or, if during the investigation of the complaint these type of activities are discovered or suspected, the investigation under this procedure will cease and the Deputy Attorney General and Human Resources will be immediately contacted for guidance concerning how to proceed.
3. Complaints regarding improper use of force or pursuit have additional procedures, which must be followed. (Refer to Policies E-2.0 and E-4.0)
4. The supervisor will advise the complainant of an approximate investigative timeline.
5. The supervisor should not guarantee the complainant that their identity will be kept confidential. The complainant's identity will only be shared on a need to know basis. To



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fully investigate the complaint, the complainant's identity may need to be shared with the employee so they may fully respond to the allegation.

6. After talking with the complainant, the supervisor shall notify the Regional Supervisor or Bureau Chief that a formal complaint has been filed.
7. Unfounded Complaints
  - a. The supervisor will notify the appropriate manager of the finding. The employee will be notified of the finding. Notice of unfounded complaints (those made in good faith) will be sent to the complainant by the supervisor. Records of unfounded complaints (those not resulting in punitive action) will remain in the supervisor's file.
  - b. Unfounded complaints may be investigated for criminal and/or civil charges against the complainant. If the investigating supervisor suspects that the complainant maliciously falsified the complaint, the supervisor will consult with the appropriate manager. The Regional Supervisor (RS) or Bureau Chief (BC) and Deputy Director (DD) will determine whether or not to pursue punitive action and the appropriate next steps.
8. If a complaint is substantiated, the supervisor will submit written findings along with the recommended corrective or disciplinary action to the appropriate manager. The RS or BC and/or DD will contact Human Resources for assistance with any corrective or disciplinary action.
9. When the final resolution of a substantiated official complaint has been determined, the supervisor, appropriate manager, RS, BC, or DD will send a response to the complainant. A copy of the response will be furnished to the employee. All investigative documents will be forwarded to, and kept by the Director's Office.



HRS001

State of Idaho
Department of Fish and Game
Personnel Complaint Form

INFORMATION ABOUT YOU

Last Name (Please type or print): First Name:
Address: City: State: Zip:
Home Phone: Work Phone: E-Mail Address:
Driver's License #: Identification verified by:

INFORMATION ABOUT THE INCIDENT

Location of Incident: Date of Incident: Time of Incident:

Officer(s)/Employee(s) Involved (name(s) and/or description):

STATEMENT/DESCRIPTION OF INCIDENT:
(USE ADDITIONAL PAPER IF NECESSARY)

Multiple horizontal lines for writing the incident statement.

WITNESSES/OTHERS INVOLVED:

Last Name: First Name: Address:
City: State: Zip: Home Phone: Work Phone:
Involvement:

WITNESSES/OTHERS INVOLVED:

Last Name: First Name: Address:
City: State: Zip: Home Phone: Work Phone:
Involvement:

The Importance of Your Complaint

The complaint process is designed to deal with each case factually and fairly. Persons filing complaints are treated respectfully and accusations against employees are taken seriously. All complaints are investigated thoroughly and all findings are based on the evidence gained during the investigation. If you choose not to sign below, IDFG may not send you a response regarding your concern.

I certify the foregoing information is true to the best of my knowledge:

PRINT NAME:

SIGNATURE: DATE:

Your signature (Parent/guardian if complainant is under 18)

FOR DEPARTMENT USE:

INFORMATION TAKEN BY (IDFG STAFF):

FORWARDED TO SUPERVISOR (NAME): DATE: