

APPENDIX B

CITY PROPOSAL 11: Investigatory Interviews

Section 12.04 - Investigatory Interviews.

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- (a) Before taking a formal statement from any employee, the City shall provide to the employee from whom the formal statement is sought a written summary of the events to which the statement relates. To the extent known to the City, such summary shall include: the date and time (or period of time if relating to multiple events) and the location(s) of the alleged events; a summary of the alleged acts or omissions at issue; and the policies, rules or regulations allegedly violated. Except where impractical due to the immediacy of the investigation, the summary shall be provided to the employee not less than two (2) days prior to the taking of their statement. If the summary is provided to the employee just prior to the taking of the statement, the employee shall be given a reasonable opportunity to consult with a Federation representative before proceeding with the scheduled statement.
- (b) In cases where the City believes that providing the pre-statement summary would cause a violation of the Minnesota Government Data Practices Act or cause undue risk of endangering a person, jeopardizing an ongoing criminal investigation or creating civil liability for the City, the City shall notify the Federation's President or attorneys of the reasons it believes that the pre-statement summary should not be given.
- (c) Nothing herein shall preclude an investigator, whether during or subsequent to the taking of a formal statement, from soliciting information which is beyond the scope of the pre-statement summary but which relates to information identified during the investigation~~provided during the taking of the statement~~ and which could form the basis of a disciplinary action provided the employee from whom the statement is sought waives the right to a new summary.
- (d) An employee from whom a formal statement is requested is entitled to have a Federation representative or an attorney retained by the employee, or both, present during the taking of such statement. The employee's representative(s) shall be allowed to advise the employee but shall not respond for or advocate for the employee nor disrupt the investigation proceedings. The Federation will ensure that its representatives at all times conduct themselves in a professional manner.
- (e) For the purpose of this Section 12.04, a "formal statement" is a written, recorded or transcribed record, whether in a narrative form or in response to questions, which is requested to be provided by any sworn employee as part of an investigation of alleged acts or omissions by a sworn employee(s) which may result in the imposition of discipline against any sworn employee(s).