

XII-1 GENERAL

- A. A disciplinary action is an action taken only for cause to correct inappropriate performance or other work-related behavior. The degree of disciplinary action shall relate to the gravity of the improper performance or conduct and the past performance and conduct of the employee. Progressive discipline, including counseling and other supervisory actions to improve conduct and performance, should be used whenever possible before taking disciplinary action.

Within six (6) months of taking disciplinary action, the supervisor shall conduct at least one (1) follow-up meeting with the employee to review progress on expectations set forth during the initial disciplinary discussion.

- B. Any of the following constitute cause for disciplinary actions:

1. Fraud in securing appointment or securing or attempting to secure workers' compensation benefits;
2. Incompetency;
3. Inefficiency;
4. Neglect of duty;
5. Insubordination or willful disobedience, including conduct which is unruly;
6. Dishonesty;
7. Unlawfully possessing, dispensing or being under the influence of a narcotic, barbiturate, marijuana, or a tranquilizing or hallucinogenic drug, except in accordance with medical authorization, or in the lawful performance of the employee's regular assigned duties;
8. Being under the influence of alcohol on duty except in the lawful performance of the employee's duties;
9. Absence without leave;
10. Commission or conviction of a felony or of a misdemeanor involving moral turpitude, either of which would affect the employee's suitability for continued employment;
11. Discourteous treatment of the public;
12. Engaging in prohibited political activity;
13. Misuse of County Government property

- XII – 1 B. 14. Misuse of County computers, County internet access, County email systems, or any other County electronic communication devices;
15. Seeking to obtain financial, sexual or political benefit from another employee with his/her consent induced by wrongful use of force or fear, or under color of official right;
16. Violation of the Rules of Conduct of Pima County and the Sheriff's Department Rules and Regulations;
17. Multiple wage garnishments;
18. Failure to maintain minimum qualifications for the position, failure to pass a required background check, or for failure to maintain licensing, certification or other requirements for the position currently held;
19. Any other improper conduct or performance which constitutes cause for disciplinary action.

XII-2 PRE-ACTION MEETINGS

- A. When it is intended that a permanent employee be suspended, demoted, dismissed, administratively suspended without pay, or involuntarily terminated under Rule XI-10 B. and C., a meeting shall be held prior to the intended action, at which time the affected employee shall be given oral or written notice of the charges against him/her, an explanation of the Department's evidence, and an opportunity to respond to the charges.
- B. The Sheriff or a designated Department Representative shall meet with the employee. The affected employee is entitled to be assisted by a person of the employee's choosing. The employee's assistant may not speak on behalf of the employee but may advise the employee throughout the duration of the meeting.
- C. This meeting should be held upon reasonable notice to the employee and at a time when the employee is reasonably able to attend.
- D. Any relevant information presented by the employee regarding the proposed action shall be considered, and the Department Representative shall thereafter make a recommendation to the Sheriff or designee to support, modify, or revoke the proposed action.
- E. If the Sheriff determines that it is in the best interest of the County, any permanent employee may be placed on Administrative Leave with Pay pursuant to Personnel Policy 8-107 A.

XII-3 TYPES OF DISCIPLINARY ACTIONS

A. Informal disciplinary action may take one or more of the following forms:

1. VERBAL COUNSELING

A supervisor may engage in verbal counseling with an employee at any time for problem resolution. If the verbal counseling is documented, the documentation shall be placed in the employee's department personnel file. Verbal counseling is neither grievable nor appealable.

2. LETTER OF COUNSELING

The Sheriff or designee may issue a Letter of Counseling to an employee at any time to correct or improve improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Counseling. A copy of the Letter of Counseling, with the employee's acknowledgment of receipt and any written response, shall be placed in the employee's department personnel file. A Letter of Counseling is neither grievable nor appealable.

Informal discipline documentation shall be removed from the employee's department personnel file twelve (12) months following the date of issuance. The department shall place the disciplinary document(s) in a separate file and retain them for the same period of time specified for the retention of department personnel files in state records retention requirements.

Should the employee accept a position in another department, informal disciplinary documents previously removed from the employee's department personnel file shall be transferred to the new department in a file separate from the employee's department personnel file.

Informal discipline that is more than twelve (12) months beyond issuance shall not be cited in, or considered a part of, further discipline.

B. Formal disciplinary action may be taken for serious incidents or repetitive improper performance or conduct, and may take one or more of the following forms:

1. LETTER OF REPRIMAND

The Sheriff or designee may issue a Letter of Reprimand to admonish an employee. The letter shall contain the specifics of the improper performance or conduct and shall be identified as a Letter of Reprimand. A copy of the Letter of Reprimand with the employee's acknowledgment of receipt shall be placed in both the departmental personnel file and the employee's official personnel file.

XII-3 B. 2. SUSPENSION

- a. The Sheriff or designee may suspend without pay a permanent employee for a disciplinary reason. Permanent employees may be suspended for any appropriate length of time.
- b. The Notice of Suspension without pay shall contain the specific reason(s) for the suspension in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the suspension to the Law Enforcement Merit System Council within ten (10) calendar days of presentation of notice.
- c. The Notice of Suspension must be delivered to the employee prior to or no later than the effective date of the suspension. The date of receipt must be documented. Copies of the Notice of Suspension shall be filed with the Clerk of the Board of Supervisors and Human Resources.

3. DEMOTION

- a. The Sheriff or designee may demote a permanent employee for a disciplinary reason as provided in Rule VIII, provided the employee meets the minimum qualifications of the demoted classification.
- b. The Notice of Demotion shall contain the specific reason(s) for the demotion in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the demotion to the Law Enforcement Merit System Council within ten (10) calendar days of presentation of notice.
- c. The Notice of Demotion must be delivered to the employee prior to or no later than the effective date of the demotion. The date of receipt must be documented. Copies of the Notice of Demotion shall be filed with the Clerk of the Board of Supervisors and Human Resources.

4. DISMISSAL

- a. The Sheriff may dismiss a permanent employee for a disciplinary reason.
- b. The Notice of Dismissal shall contain the specific reason(s) for the dismissal in sufficient detail to inform the employee of the reason(s) for the action and shall advise the employee of the right to appeal the dismissal to the Law Enforcement Merit System Council within ten (10) calendar days of presentation of notice.

- XII-3 B. c. The Notice of Dismissal must be delivered to the employee prior to or no later than the effective date of the dismissal. The date of receipt must be documented. Copies of the Notice of Dismissal shall be filed with the Clerk of the Board of Supervisors and Human Resources.

XII – 4 ADMINISTRATIVE SUSPENSION

Non-disciplinary Suspensions may be given to non-exempt employees without pay or with reduced pay by the Sheriff or designee under the following circumstances:

- A. In cases where an employee is charged with a felony or with another crime involving moral turpitude, or when it is deemed to be in the best interest of the County while an inquiry is being made into the conduct of the employee which may constitute cause for disciplinary action.
- B. An employee may be Administratively Suspended for up to thirty (30) business days. For extensions beyond thirty (30) business days, approval by the Law Enforcement Merit System Council is required.
- C. Subject to the provisions of subparagraph B., the employee may be suspended until the inquiry is completed and the employee is acquitted of the charges, the charges are dismissed, or the employee is otherwise exonerated.
- D. Notification shall be the same as for disciplinary Suspension.
- E. At the conclusion of the Suspension, the employee shall be returned to work with or without back pay, or advised of disciplinary or other action.
- F. The dismissal of charges or the acquittal of the employee shall not preclude further or subsequent disciplinary action.
- G. If the employee is exonerated after the investigation, and if the employee had been placed on Administrative Suspension without pay or with reduced pay, the employee shall be reinstated with all back pay and benefits.

XII – 5 SPECIAL OBSERVATION PERIOD

- A. An employee may be placed on a Special Observation Period for the purpose of closely monitoring the employee's performance or conduct during the specified period of time. The purpose of the Special Observation Period is to officially advise the employee that his/her conduct or performance shall be closely monitored for a specific period of time to ensure that the unacceptable performance or conduct does not continue. This need not be in conjunction with a disciplinary action.

- B. The Notice of the Special Observation Period shall be provided to the employee in writing, upon the effective date, and shall specify the conduct involved, the purpose of the observation period, and the length of the period. The Notice of Special Observation shall be separate from any accompanying disciplinary action documentation. A copy of the Notice of Special Observation shall be placed in the employee's department personnel file and filed with Human Resources for placement in the employee's official personnel file.
- C. At the end of the Special Observation Period, the employee's supervisor shall prepare a special performance evaluation report specific to the performance issue(s) monitored. A copy of the report shall be placed in the employee's department personnel file and filed with Human Resources.
- D. Unsuccessful completion of the Special Observation Period or unacceptable performance or conduct during the Special Observation Period may result in disciplinary action.

XII-6 EFFECTIVE DATE OF DISCIPLINARY ACTIONS

The demotion, suspension, or dismissal of an employee for a disciplinary reason shall be effective on the date stated in the notice even though the employee exercises the right of appeal.