

RULE 14 - DISCIPLINARY ACTION

14.01 GENERAL

- A. Rule 14, and its subparts, do not apply to law enforcement officers, who are at-will.
- B. A process of progressive discipline will be followed by the Office. Such process ensures that law enforcement officers are afforded adequate notice and opportunity to correct unacceptable behavior. However, the seriousness of the offense may dictate overriding progressive discipline, and serious offenses may lead to immediate dismissal. A combination of disciplinary actions may be used.
- C. Verbal and written counseling and other supervisory actions to improve conduct and performance should be used whenever possible before taking formal disciplinary action. All such actions shall be documented by the supervisor and acknowledged by the law enforcement officer.
- D. For purposes of Rule 14 and its sub-parts, the term law enforcement officers refers only to those law enforcement officers who are not at-will.

14.02 DISCIPLINE

A regular status law enforcement officer shall be subject to discipline for just cause as defined by A.R.S. § 38-1104:

- A. The employee was informed of the possible disciplinary action resulting from his/her conduct through agency manuals, employee handbooks, the Office rules and regulations, other communications to the employee or the conduct was such that he/she should have reasonably known disciplinary action could occur.
- B. The disciplinary action is reasonably related to the standards of conduct for an employee, the mission of the Office, the orderly, efficient or safe operation of the Office or the employee's fitness for duty.
- C. The discipline is supported by a preponderance of evidence that the conduct occurred.

D. The discipline is not excessive and is reasonably related to the seriousness of the offense and the employee's service record.

14.03 CONDUCT THAT CONSTITUTES DISCIPLINARY ACTION

Any violation of PCSO Policy or Pinal County Policies and Procedures are cause for taking disciplinary action.

14.04 TYPES OF DISCIPLINARY ACTIONS

1. **Verbal Reprimand:** A Verbal Reprimand is the non-written notification to a law enforcement officer of job performance deficiency or misconduct and notification of the level of expectation. A verbal reprimand is not subject to appeal.
2. **Performance Improvement Recommendation ("PIR"):** A law enforcement officer may be issued a PIR, setting forth specific methods by which their performance may be improved over a definite period of time. A copy of the PIR shall be placed in the law enforcement officer's disciplinary file. Issuance of a PIR is not subject to appeal.
3. **Letter of Reprimand:** A Letter of Reprimand is an official written notification to an employee that there is cause for dissatisfaction with the law enforcement officer's job performance or that there is misconduct. The written reprimand is documented and placed in the law enforcement officer's disciplinary file. A letter of reprimand is not subject to appeal under these rules.
4. **Suspension:** A law enforcement officer may be suspended for just cause without pay after the Sheriff provides the law enforcement officer and the Director with a written Notice and Statement of Charges of the intent to suspend. The Sheriff must follow the provisions of Rule 9.02 when issuing the Notice, Order and Statement of Charges.
 - i. Suspensions shall not exceed thirty (30) calendar days for any single cause of suspension. Where a law enforcement officer has received more than two (2) suspensions for violations of policy that result in suspension time exceeding thirty (30) days in any given calendar year, the law enforcement officer will be terminated.

A law enforcement officer with regular status and who is not at-will may appeal his suspension as set forth in these Rules.

- ii. The Sheriff may relieve a law enforcement officer immediately from his/her official position or prohibit him/her from his/her post or place of duty or employment during an administrative investigation into possible policy violations; such period will be with pay.
- iii. When a law enforcement officer has received a disciplinary suspension without pay, the law enforcement officer will not be permitted to receive salary continuation through the use of accrued vacation or compensatory time nor permitted to work on their regular day off or accrue overtime during the same pay week. The term of suspension will be served on consecutive work days.

5. **Demotion:** A Demotion for a disciplinary reason is considered to be significant disciplinary action and may be used for more serious violations of PCSO Policy and/or Pinal County Policy and Procedure or repetitions of improper performance or conduct.

- i. The Sheriff may demote a regular status law enforcement officer for a disciplinary reason, as provided in Rule 9.
- ii. A law enforcement officer, who is not at-will, who was demoted for disciplinary reasons may appeal his/her dismissal as provided in these Rules.
- iii. The Sheriff may relieve a law enforcement officer immediately from his/her official position or prohibit him/her from his/her post or place of duty or employment during an administrative investigation into possible policy violations; such period shall be with pay.
- iv. A law enforcement officer who fails a demotion probationary period shall be subject to dismissal in accordance with these Rules.

6. **Dismissal:** A dismissal for a disciplinary reason is the most significant disciplinary action and may be used for the most serious violations of PCSO Policy and/or Pinal County Policy and Procedure or repetitions of

improper performance or conduct. The Sheriff may dismiss a Regular Status, promotional or demotional law enforcement officer for a disciplinary reason. Law enforcement officer dismissed for a disciplinary reason will not be considered eligible for rehire.

- i. The Sheriff may remove a law enforcement officer with regular status and who is not at-will only for just cause as provided in these Rules, after the Sheriff, provides the employee and the Director with a written Notice and Statement of Charges of the intent to dismiss as provided in Rule 9.02.
- ii. A law enforcement officer with regular status and who is not at-will may appeal his dismissal as provided in these Rules.
- iii. The Sheriff may relieve a law enforcement officer immediately from his/her official position or prohibit him/her from his/her post or place of duty or employment during an administrative investigation into possible policy violations; such period shall be with pay.
- iv. Within ten (10) business days of receipt of the written Notice of Appeal of a disciplinary action, and prior to the beginning of the Appeal hearing, and for good cause, the Sheriff may serve an amended notice of disciplinary dismissal, suspension, or reduction in rank or compensation on the law enforcement officer, who is not at-will, and file with the Council an amended or supplemental notice or statement of dismissal. If the amended or supplemental notice states new causes, the Council may grant the law enforcement officer's request for a continuance of the hearing for a reasonable time to allow the law enforcement officer to prepare his/her case.

14.04.01 Administrative Suspensions:

- A. A non-disciplinary suspension may be given to a law enforcement officer with or without pay by the Sheriff under the following circumstances:
1. Where an employee is charged with a felony or other crime involving moral turpitude of a serious nature;
 2. Where it is deemed to be in the best interest of the Office while an inquiry is being made into the conduct of the employee.

B. A law enforcement officer may be administratively suspended for up to thirty (30) working days. For extensions beyond thirty (30) working days, approval by the Sheriff is required.

C. The Sheriff shall provide the law enforcement officer with notification of an administrative suspension. A copy of the notification will be provided to the Director and placed in the employee's personnel file.

D. The employee may be suspended until the inquiry is completed and the employee is acquitted of the charges, the charges are dismissed, the employee is exonerated, or the charges are affirmed.

E. At the conclusion of the suspension, the Sheriff shall provide the employee with notification of return to work. A copy of the notification will be provided to the Director and placed in the employee's personnel file. The employee may return to work, with or without back pay, or advised of disciplinary or other action.

F. An administrative suspension, regardless of pay status, is not subject to appeal.

14.05 EFFECTIVE DATE OF DISCIPLINE

A demotion, suspension, or dismissal for a disciplinary reason of a law enforcement officer shall be effective on the date stated in the notice even though the employee exercises the right of Appeal.