

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 6.20
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005; December 22, 2009; March 2, 2016; July 30, 2019
CHAPTER: Human Resources		Related Policy: G.O. 6.21 (General Causes of Discipline), G.O. 6.22 (Pre-Disciplinary Notice and Hearing), APM Chap 3, Section 53, Issue 4 (Corrective Action), Applicable Working Agreements
SUBJECT: Types of Discipline		Related Laws:

POLICY: The decision to initiate discipline against any employee shall be based upon the “just cause” standard. Generally, disciplinary action is intended to maintain good order, discipline, and morale within the Sheriff’s Office and to address behavior or performance which is unacceptable according to the Sheriff’s Office standards. The discipline process is a series of steps designed to bring the behavior or performance of all employees to expected levels. Where appropriate, discipline shall be progressive and will include informal and formal steps designed to produce change in perceived deficiencies.

Preponderance of evidence is adopted as an internal policy for determining just cause for discipline and is not intended to impose a like or similarly restrictive standard for third-party review, appeal, arbitration, or interpretation of any collective bargaining agreement.

DEFINITION: ORS 236.350 (2) defines just cause as, “...cause reasonably related to the employees ability to perform required work. The term includes any willful violation of reasonable work rules, regulations or written policies.”

RULE: None

PROCEDURE:

I. AFSCME

A. The AFSCME Agreement, Article V, Section 1 (Cause for Discipline) specifies discipline for AFSCME members will consist of the following:

1. Documented Oral Warning
2. Written Reprimand
3. Suspension

4. Discharge

II. Types of Discipline for LCPOA and Non-Represented Employees

A. Verbal Reprimands

Verbal reprimands are generally initiated when an employee's misconduct or deviation from established General Order policy or procedure was the result of a slight error in judgment, where there was no bad faith or negligence on the part of the employee, and where that misconduct did not cause any significant damages. A verbal reprimand that is documented may be used for evaluation purposes and the documentation retained in a supervisor's file. A verbal reprimand is not considered to have the same degree of seriousness as a written reprimand. Supervisors have the authority to issue a verbal reprimand.

B. Written Reprimands

Written reprimands are generally initiated when the employee's misconduct or deviation from established General Order policy or procedure is the result of poor judgment, or where there is an apparent act of bad faith or negligence on the part of the employee. A written reprimand may be used in such cases even if the employee acted in good faith or with good intentions, but when the results of these acts or misconduct resulted in damages or disruption to the normal operation of the Sheriff's Office. Supervisors have the authority to issue a written reprimand.

C. Transfer to Other Duty

If an employee's misconduct or level of performance demonstrates an employee's incapacity or inability to perform the duties involved in a particular assignment, the employee may be transferred to another assignment as a disciplinary act, for retraining, or to promote the efficient operation of the Sheriff's Office. The employee's personnel record shall state whether a transfer is for disciplinary purposes. Supervisors may recommend transfer to other duty. Division commanders may approve transfers within divisions. Transfers to other divisions require the Sheriff's approval.

D. Suspension from Duty Without Pay and/or equivalent Salary Sanction

If an employee's misconduct tends to reduce the public respect or support that can normally be expected for the Sheriff's Office, or impairs relations between the Sheriff's Office and any other governmental agency, the employee may be suspended from duty without pay and/or equivalent salary sanction.

Suspension and/or equivalent salary sanction may result from repetition of action for which the employee has previously been admonished or reprimanded, or

otherwise warned to discontinue. Suspension and/or equivalent salary sanction may be imposed for misconduct or deviation from established General Order policy, rules, or procedure that indicates a disregard for these established Sheriff's Office guidelines or for conduct that has an adverse impact on the efficiency of operations or the effectiveness of the Sheriff's Office and its reputation. The following examples of misconduct may result in suspension without pay and/or equivalent salary sanction. These examples do not preclude suspension without pay and/or equivalent salary sanction for other serious misconduct not listed.

1. Use of improper radio procedure.
2. Malingering.
3. Negligently causing a vehicle accident.
4. Failure to appear in court in response to a subpoena.
5. Failure to check mailbox or bulletin board each scheduled workday.
6. Insubordination.
7. Absenteeism or Tardiness.
8. Repeated violations of Sheriff's Office General Order policy, rules, or procedures or County policy, rules, and procedures.
9. Violation of firearms regulations.
10. Indiscriminate use of profane language, written or oral, when such communication could reasonably be expected to be overheard, seen, or observed by the public.
11. Failure to report use of force.
12. Malicious criticism of Sheriff's Office employees when such criticism is false, unfounded, inflammatory, or degrading.
13. Consistent indebtedness.
14. Malicious gossip that in any way defames an employee or causes embarrassment, disgrace, dishonor, or in any way brings disrepute to the Sheriff's Office or employee directly or indirectly.
15. AWOL - First offense.
16. Bringing discredit upon the Sheriff's Office and/or its employees.

First line supervisors have the authority to implement a suspension without pay and/or equivalent salary sanction for up to and including three (3) days. Mid-Management personnel have the authority to implement a suspension without pay and/or equivalent salary sanction for up to and including ten (10) days. Top-Management personnel have the authority to implement a suspension without pay and/or equivalent salary sanction for up to and including fifteen (15) days. The Sheriff's approval is required for suspensions and/or equivalent salary sanction greater than fifteen (15) days.

Employees shall not have suspension from duty without pay and/or equivalent salary sanction imposed without prior consultation with County Human Resources Labor Relations and the Office of County Counsel.

Because of FLSA implications, exempt employees shall not have suspension from duty without pay and/or equivalent salary sanction imposed without prior consultation with County Human Resources Labor Relations and the Office of County Counsel.

E. Reduction in Pay Grade

A non-probationary employee's pay may be reduced when the employee's misconduct involves deliberate disregard for Sheriff's Office General Order policy, rules, or procedures or when the employee demonstrates an inability to perform to standards required. Supervisors may recommend reduction in pay grade. The Sheriff's approval is required.

F. Reduction in Rank

Non-probationary employees may be demoted to a lower rank when their misconduct reveals a deliberate disregard for Sheriff's Office General Order policies, rules, or procedures or when the employee demonstrates an inability to perform to standards required for the position held. Supervisors may recommend reduction in rank. The Sheriff's approval is required.

G. A Combination of the Above

Any combination of the above types of disciplinary action may be imposed whenever it is deemed appropriate or necessary to effectively deter further misconduct or to prevent continued deviation from established procedures or policies of this Sheriff's Office. Supervisors and Managers may administer discipline within their authority or make recommendation as required to the appropriate authority.

H. Termination

Employees may be terminated when misconduct is unlawful, egregious, malicious, intentional, or instances of repeated unsatisfactory performance. Supervisors may recommend termination. The Chief Deputy will review all applicable policy and procedure in every applicable contract, General Order, and APM prior to a termination decision. The Sheriff's approval is required.

Employees shall not have termination imposed without prior consultation with County Human Resources Labor Relations and the Office of County Counsel.

The following are examples of termination offenses. The examples do not preclude termination for other offenses not listed.

1. An employee may be terminated when the employee has been involved in repeated violations of Sheriff's Office General Order policies, rules, or procedures.
 2. An Employee may be terminated for a single instance of serious misconduct, such as untruthfulness; insubordination; failure to cooperate in an internal investigation; malicious, reckless, or intentional conduct resulting in the injury of a person or damage to property; use of unnecessary or unauthorized force or other conduct hindering the effectiveness of the employee; hindering the operations of the Sheriff's Office; or damaging the public view of the Sheriff's Office.
 3. An employee may be terminated when a performance evaluation demonstrates an employee's consistent incompetence or inefficiency. An employee may also be terminated when a single act or omission demonstrates the employee is so incompetent or inefficient that termination is justified.
 4. An employee may be terminated when, in the judgment of the Sheriff's Office, the employee's actions or inactions have compromised their capacity, credibility, and effectiveness to serve as an employee of the Sheriff's Office.
 5. An employee may be terminated for failure to be truthful at all times in their written or spoken word, except in the case where it is lawful to use falsehoods and deception during the course of an investigation or necessary to prevent the identification of an undercover officer.
 6. An employee may be terminated if the required certification for his/her job classification is revoked by the Department of Public Safety and Standards Training (DPSST).
- I. Performance Memos, Counseling, Letters of Instruction, or Letters of Training are not considered formal discipline. These memos can only remain in an employee's

evaluation file for a period of one year. If the information is used in an employee's evaluation prior to the one year period, the memo will be removed at that time.