

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 6.22
		Issue Date: March 21, 2005
		Revision Date: March 9, 2011; March 16, 2016
CHAPTER: Human Resources		Related Policy: G.O. 3.10 (Sheriff's Reserve), G.O. 6.03 (Probation), G.O. 6.20 (Types of Discipline), G.O. 6.21 (General Causes of Discipline), Applicable Working Agreements
SUBJECT: Pre-Discipline Notice and Hearing		Related Laws:

POLICY: Disciplinary action against any non-probationary employee shall be for just cause as defined in G.O. 6.20.

RULE: None

PROCEDURE:

I. Exclusions

- A. Reserve deputies and probationary employee are not entitled to pre-discipline notice and hearing and are excluded from this general order.

II. Non-Probationary Represented Employees

- A. Represented employees will be afforded pre-discipline notice and hearing as provided by their respective collective bargaining agreements.
- B. Supervisors shall notify employees they are entitled to have their Association or Union representative present at the hearing.

III. Non-Probationary Management, Supervisory, and Non-Represented Employees

- A. A Supervisor intending to take disciplinary action in the form of demotion, suspension without pay, reduction in salary, written reprimand, termination, or transfer for the purpose of punishment shall:
 - 1. Notify the employee in writing of the proposed discipline to include:
 - a. The policy, rule, or procedure violation upon which the proposed discipline is based.

- b. Notice of a date and time and location the accused employee may have the opportunity to respond and to present evidence relating to the proposed discipline
- B. Employees will be provided pre-discipline notice and hearing except in cases involving intolerable misconduct in which case the Sheriff may authorize the termination of a Sheriff's Office member prior to a pre-discipline hearing.

IV. Conducting the Hearing

- A. The hearing shall be conducted by an individual of rank having the authority to impose the proposed discipline or designated by the Sheriff. The hearing shall be informal but sufficiently structured to ensure the employee is provided an opportunity to be heard and have their evidence considered prior to the implementation of discipline.
 - 1. The hearing should be audio recorded and a written record may be made of the proceedings.
 - 2. The hearing officer may determine:
 - a. Who may be present at the hearing
 - b. What information is pertinent and relevant
 - c. When the hearing is concluded
 - 3. The employee may provide any evidence they believe relevant to their case. This may include written or oral statements, affidavits, or witnesses.
 - 4. The involved employee may choose to be represented by an Association/Union representative or attorney.
- B. Upon the conclusion of the pre-disciplinary hearing, if the finding results in discipline, the hearing officer shall consult with the Office of County Counsel and the Human Resources Labor Relations prior to the discipline being administered.
- C. The hearing officer shall provide the employee written notice of the final decision. If discipline is imposed, the notice shall include:
 - 1. The type of discipline to be imposed.
 - 2. The effective date of the discipline.
 - 3. The policy, rule, or procedure violation upon which the discipline is based.

- D. The employee shall acknowledge receipt of the notification of discipline by affixing his/her signature and date to the notice. Such signature does not imply agreement by the employee, it merely acknowledges the employee's receipt.
 - 1. If the employee refuses to sign the documents, such refusal shall be noted on the documents by the supervisor.
- E. A copy of disciplinary action memoranda shall be filed in the internal investigative file and the employee's personnel file.

V. Appeal of Disciplinary Action

A. Represented employees

Represented employees may appeal disciplinary actions per the affected employee's collective bargaining unit contract.

B. Non-Represented employees

The affected non-represented employee may appeal the imposed discipline to the Sheriff or designee within ten (10) working days of receipt of notification of imposed disciplinary action; such appeal shall be filed in writing, with the Sheriff or designee. The appeal should contain information not previously submitted as to why the discipline should be modified or dismissed. The Sheriff or designee shall provide a written response to the employee within thirty (30) working days of the submittal to the Sheriff or designee. This shall be the final level of internal appeal available to the employee.

C. Exclusions / Limitations

This procedure shall not be applicable under the following circumstances, nor shall it be applicable to any actions(s) as to which an administrative appeal already exists elsewhere in the existing labor contracts or in law.

- 1. Probationary employees who are rejected during probation shall not have the right of appeal.
- 2. Any temporary, provisional employee or volunteer shall not have the right of appeal.