

# Employee Discipline

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## **Policy Statement**

Disciplinary actions are intended to clearly communicate to an employee that unsatisfactory performance or conduct has occurred and that he or she must take immediate steps to correct it.

## **Persons Affected**

All Sheriff's Office employees and volunteers

## **Collective Bargaining**

It is recognized that this policy affects employees covered by collective bargaining and/or other agreements that have specific provisions regarding the discipline of employees. If this policy is found to conflict with a collective bargaining or other agreement (e.g. CBA, MOU, Settlement Agreement) covering employees of the Sheriff's Office, the terms of the agreement will prevail and be followed. Any dispute arising as to whether this policy conflicts will be resolved by the grievance process outlined in the pertinent agreement.

## **Directives Affected**

Rules and Regulations Manual Sections 28.17 – 28.23 - canceled

## **Definitions**

**Disciplinary action** – A method of addressing unsatisfactory employee performance or conduct

## **Responsibilities**

The undersheriff is responsible for administering the employee discipline system, and will ensure that the Criminal Justice Training Commission is notified within 15 days of an initial disciplinary decision for alleged behavior or conduct by a deputy that is noncriminal and may result in revocation of certifications.

The senior administrative assistant will maintain copies of records documenting final disciplinary actions imposed in employee personnel files in accordance with law and per timelines in applicable collective bargaining agreements. Documents removed from employee personnel files per collective bargaining agreement timelines should be forwarded to the chief inspector for retention.

The chief inspector will:

- Retain all remaining records relating to employee discipline in accordance with applicable law.
- Ensure that disclosures of these records are limited to authorized Sheriff's Office personnel or as required by applicable law, rule or agreement.

## Types and Authority

Types of disciplinary actions in use at the Sheriff's Office include:

Type	Definition	Authority	
		Chief Deputy	Sheriff/Undersheriff
Verbal reprimand	An oral warning about unsatisfactory conduct or performance	✓	✓
Written reprimand	A written warning about unsatisfactory conduct or performance	✓	✓
Transfer	Involuntary movement to another position for cause	✓	✓
Suspension**	Temporary removal from employment with or without pay, for cause, or pending determination of charges against the employee which could result in demotion or discharge		✓
Demotion*	Removal from a higher to a lower classified position		✓
Discharge*	Termination, separation, dismissal or removal from employment for cause		✓

\*See Whatcom County Civil Service Commission Rules and Regulations ([Civil Service Rules](#))

\*\*Different from [emergency suspension](#)

## Reasons for Disciplinary Action – Good Cause

Unsatisfactory conduct or performance that falls into categories listed in [Civil Service Rules](#) Section 17.03 constitutes *good cause* for disciplinary action.

## Standard for Disciplinary Action - Just Cause

Command staff members will only impose disciplinary actions for just cause<sup>1</sup>:

1. Have the charges against the employee been factually proven?
2. Was the punishment imposed by the employer disproportionately severe under the circumstances?
3. Did the employer conduct a thorough investigation into the incident?
4. Were other employees who engaged in conduct similar or identical to that of the employee treated as harshly by the employer?
5. Was the employee's misconduct the product of action or inaction by the employer?
6. Did the employer take into consideration the employee's good or exemplary work history?
7. Did the employer take into consideration mitigating circumstances?
8. Was the employee subjected to progressive or corrective discipline?
9. Was the employer motivated by anti-union bias?
10. Are the employer's rules clear and understandable?
11. Is the employee likely to engage in similar misconduct in the future?
12. Was the employee accorded procedural due process in the disciplinary investigation?

<sup>1</sup> Aitchison, W. (2009). *The Rights of Law Enforcement Officers, 6th Ed.* Portland, OR: LRIS Publications, pp. 99-101.

## **Protocol**

Command staff members seeking to impose disciplinary actions on employees should follow the [Employee Discipline Protocol](#).

## **Emergency Suspension**

Any supervisor may temporarily suspend an employee from duty (with pay) for cause.

Employees who are temporarily suspended shall remain available for contact during their normal duty hours.

Supervisors will:

- Remind the employee to remain available for contact as above.
- Brief a command staff member as soon as practicable.
- Document the incident in a memorandum to his or her supervisor.