

RULE 21 – Disciplinary Actions and Administrative Suspension

21.1 General

- A. Any of the following constitute cause for disciplinary actions:
1. Fraud in securing appointment;
 2. Incompetence;
 3. Neglect of duty;
 4. Insubordination;
 5. Sleeping while on duty;
 6. Disorderly conduct;
 7. Malicious gossip or false accusations which tend to destroy friendly relations between the County and the public or between employees or in any way hinder County operations;
 8. Dishonesty;
 9. Drunkenness or consumption of alcohol on duty, or when such consumption affects job performance;
 10. On-duty use of alcohol, marijuana, narcotics or other controlled substances;
 11. Absence without leave;
 12. Commission or conviction of a felony or misdemeanor involving moral turpitude which would affect the employee's suitability for continued employment;
 13. Discourteous treatment of the public and/or co-workers;
 14. Willful disobedience;
 15. Engaging in prohibited political activity;
 16. Misuse of government property;
 17. Possessing, dispensing or being under the influence of a narcotic, barbiturate, marijuana, tranquilizing or hallucinogenic drug or other controlled substances on duty, except in accordance with medical authorization;
 18. 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;
 19. Discrimination or harassment based upon race, color, religion, sex, age, national origin, disability, Vietnam era or disabled veteran status;
 20. Revocation, suspension or loss of Arizona driving privileges where having an Arizona Driver's License is a requirement for the position;
 21. Revocation, suspension or loss of certification issued by a governmental entity where such certification is a requirement for the position;
 22. Engaging in sexual harassment of an employee;
 23. Inefficiency;
 24. Unsatisfactory attendance;
 25. Mishandling of County funds;
 26. Falsification or unauthorized use of County records;

- 27. Unauthorized possession of firearms, weapons or explosives on County property;
 - 28. Unsafe actions;
 - 29. Any other conduct or performance which constitutes cause for disciplinary action.
- B. Sworn law enforcement officers employed by the Sheriff's Department shall be subject to being placed on administrative leave with or without pay consistent with these Rules upon being formally charged with the commission of a felony offense.

21.2 Types of Disciplinary Action

- A. A written reprimand is a formal notice to an employee that further disciplinary action will be taken unless their behavior or performance improves. A copy of the written reprimand is to be forwarded to the Personnel Department for placement into the employee's personnel file.
- B. Suspension.
1. Before an employee with regular status can be suspended, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.
 2. The Appointing Authority may suspend any employee with regular status for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for suspension in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:
 - a. The employee signs for receipt of the suspension letter personally served or served by mail; or
 - b. Three working days have passed since the letter was mailed to the employee; or
 - c. An attempt is made to personally serve the suspension letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.
 3. Except as otherwise provided by Statute or Rule, suspensions shall not exceed a total of thirty working days during any twelve (12) month period. The twelve (12) month period begins with the first day of the first suspension.

4. Classified employees exempt from the overtime provisions of the Fair Labor Standards Act who are suspended must be suspended for a period of not less than five (5) days unless the infraction is for a gross safety violation.

C. Demotion.

1. A regular status employee may be demoted for cause by an Appointing Authority to any regular status position, provided the employee meets the minimum qualifications for such class.
2. Before an employee with regular status can be demoted, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.
3. The Appointing Authority may demote any employee with regular status only for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for demotion in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:
 - a. The employee signs for receipt of the demotion letter personally served or served by mail; or
 - b. Three working days have passed since the letter was mailed to the employee; or
 - c. An attempt is made to personally serve the demotion letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.
4. Except as otherwise provided in these Rules, a demoted employee shall not be required to serve a probationary period in the position to which demoted.

D. Dismissal.

1. Before an employee with regular status can be dismissed, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.

2. The Appointing Authority may dismiss any employee with regular status for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for dismissal in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:
 - a. The employee signs for receipt of the dismissal letter personally served or served by mail; or
 - b. Three working days have passed since the letter was mailed to the employee; or
 - c. An attempt is made to personally serve the dismissal letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.
3. If an employee is on an approved period of leave with pay, the action will be effective at the end of the approved period of leave with pay, and the dismissal letter shall be served on the employee in accordance with this subsection.
4. Dismissal During Probation.
 - a. An employee on original probation may be dismissed without the right of appeal.
 - b. An employee on promotional probation may not be dismissed without the right of appeal.
- E. Administrative Leave. Nothing in this Rule shall preclude the Appointing Authority from immediately placing an employee on administrative leave pending implementation of procedures under this section, but no pay shall be withheld for such period.