



4400 DISCIPLINE AND GRIEVANCE

4410 GENERAL DISCIPLINARY GUIDELINES (Revised April 1, 2009)

4411 Policy

The administration of discipline in the police department shall be conducted in accordance with applicable federal and state laws, City Charter, City Code, City *Administrative Policies*, the guidelines set forth in the department Discipline Matrix and this section. All employees of the department are subject to disciplinary action for misconduct, regulatory violations and/or below standards performance. All discipline shall be administered in an equitable, fair and consistent manner. Supervisors are responsible for the administration of discipline outlined in *General Orders*. The Chief of Police has the ultimate authority to establish the level of discipline administered in the police department.

The Discipline Matrix is intended to address acts of misconduct by members of the agency. The existence of the matrix does not preclude the department from taking the action necessary to respond to a member's failure to perform assigned duties or failure to comply with conditions of employment that are or have been placed upon the member.

Generally, unsatisfactory job performance will be dealt with through the performance evaluation system (refer to *General Orders 4500*). When an employee has been subject to discipline through the application of the Discipline Matrix, that discipline shall be included in the employee's subsequent evaluation and may form the basis for future performance related suspension, reduction in pay or position, or termination.

4412 Documentation Requirements

Proper documentation of the reasons for disciplinary action is an essential element of the process and the responsibility of a member's chain of command. Documentation may take the form of memoranda, PPR files, evaluations, personnel reports, or other records that provide information supporting and articulating the actions.

4413 Discipline Matrix

In order to effectively and consistently administer discipline in the police department, a Discipline Matrix is established and shall be used in determining the sanction imposed on any member for misconduct or violations of procedures, rules or policies. The Discipline Matrix is incorporated fully into *General Orders* by reference to this section.

4413.1 Matrix Information

Copies of the department's Discipline Matrix are available to all members. Electronic copies are available on the department share drive.



4413.2 **Applicability of the Discipline Matrix**

The Discipline Matrix shall be the source used to establish the appropriate level of discipline for all infractions sustained against any member, whether sworn, non-sworn, paid or unpaid. The Chief of Police may deviate from the published sanctions in his or her sole discretion as conditions and circumstances warrant.

4413.3 **Discipline Matrix Format**

The Discipline Matrix is designed to identify two major areas in the disciplinary process: the type and level of discipline.

The discipline type (violation type) is a category description that guides the department in how to address any particular instance of misconduct. This means that misconduct and behaviors are grouped by type rather than merely by the individual rule violation.

The discipline level describes the sanction to be imposed on a member for misconduct, ranging from corrective action to termination. The level is established based on the discipline type together with the discipline history of the member.

4413.4 **Applying Sanctions in the Discipline Matrix**

When a violation or misconduct has been established, members will receive a sanction based upon the type of violation and corresponding level of discipline provided in the matrix. The chain of command shall be responsible for identifying the appropriate discipline type for any misconduct. A review of the member's discipline history shall then be used to establish the level of discipline to be administered.

Once the appropriate discipline level has been identified, the "presumptive sanction" will be the discipline imposed unless circumstances warrant reducing the discipline to the "minimum sanction" or increasing the discipline to the "maximum sanction." Justification for any deviation from the presumptive level shall be included in the record. The fact that a member has not previously committed the offense or conduct in question shall not, in and of itself, constitute a basis for reducing the presumptive sanction.

4413.5 **Restitution for Loss of or Damage to City Property**

When the Chain of Command finds a member responsible for loss of or damage to city property, the member may be permitted to pay restitution as provided in the Discipline Matrix. Sensitive items as delineated in *General Order 1330.24* are not eligible for restitution. Property valued at a depreciated replacement cost of \$250.00 or less may be reimbursed by the member in no more than two instances in any 24-month period. The value of property in question will be determined by the Police Logistics Division. The Office of Internal Affairs (OIA) shall coordinate restitution.



4414 **Progressive Discipline**

The use of progressive discipline is designed into the Department's Discipline Matrix. Progressive discipline is defined as a series of increasing disciplinary actions, which may range from corrective action to termination, which are administered to correct employee behavior. It will be used as a means to assist and encourage employees who violate work rules or exhibit unsatisfactory job performance to correct their behavior and to comply with city or department requirements. Unless otherwise directed by the Chief of Police the Discipline Matrix shall be used to determine the disciplinary sanction imposed on employees for misconduct or violations of *General Orders*.

4420 **DISCIPLINE**

The Discipline Matrix includes the following levels of discipline, listed below in order from the least to most severe.

4421 **Corrective Action**

The lowest level of discipline is corrective action. This is generally administered by an employee's immediate supervisor. Documentation of the action, (counseling, training, etc.) shall be provided to Internal Affairs using the Corrective Action form located in the department share drive. A copy of the information is not filed in the employee's personnel file.

4422 **Written Reprimand**

A written reprimand is a formal document presented to an employee as discipline for misconduct. A copy of the reprimand document is filed in the employee's permanent personnel record.

4423 **Suspension**

Employees may be suspended from duty without pay for disciplinary purposes. Suspensions for discipline shall be for a specified period of time, in ten-hour increments. Suspensions shall be processed in accordance with *General Order 4434*. Records of a suspension shall become a part of an employee's permanent personnel record.

In addition, supervisors have the authority to relieve any subordinate of duty when time is of the essence in matters of serious violations or in circumstances in which the employee is physically or psychologically unfit for duty. Refer to *General Order 4434.5* for details.

4424 **Reduction in Pay**

A reduction in pay results in loss of income with no change in classification. A reduction in pay may be appropriate to address consistently poor employee performance or as called for in the Discipline Matrix. Records of a reduction in pay for disciplinary purposes shall become a part of an employee's permanent personnel record. Refer to *General Order 4435* for additional details.



4425 **Demotion**

A demotion is a reassignment of an employee from a position in one classification to a position in another classification that is assigned a lower salary range. Records of a disciplinary demotion shall become a part of an employee's permanent personnel record. Refer to *General Order 4436* for additional details.

4426 **Termination**

Termination is the most severe form of disciplinary action. An employee may be terminated for unsatisfactory job performance, for failing to meet or maintain the standards of their position, or for disciplinary reasons as set forth in the Discipline Matrix.

4430 ADMINISTRATION OF DISCIPLINE

4431 **Legal Review of Proposed Discipline**

Any disciplinary action that is the subject of Civil Service appeal, or review by an arbitration panel pursuant to a union contract grievance procedure must be reviewed by the City Attorney before being implemented. Refer to City *Administrative Policies* for procedures of this review process.

4432 **Notice Required Prior to Service of Discipline**

Prior to the effective date of a corrective action, reprimand, suspension, reduction in pay, or demotion, a permanent classified employee shall be provided with a written notice clearly setting forth the effective date of such action and the specific act(s), or omission(s) which constitute just cause for the action. A commissioned employee will then have a minimum of seven days to respond and present reasons why the proposed discipline should not occur. A civilian employee will have a minimum of two days to respond and present reasons why the proposed discipline should not occur.

Notice must also be given prior to the effective date of termination. Refer to *General Order 4437* for procedures associated with termination.

After reviewing any information presented by the employee, the chain of command, generally through the Division Commander level, shall determine whether or not to proceed with the proposed disciplinary action. If the decision is to proceed, the employee shall be served with the appropriate discipline and any associated documentation. If the chain of command decides against proceeding, or chooses another level of discipline, the appropriate documentation and review shall be made prior to any final action.

4433 **Issuing Reprimands**

A written reprimand shall be administered in accordance with the following procedures.

4433.1 **Written Reprimand Guidelines**

Written reprimands shall include the following:



- A factual description of the behavior or work performance for which the discipline is being given and notification of the rules, policies or directives that the employee has violated;
- The identified type of violation and level of discipline as identified in the Department Discipline Matrix;
- A statement that the employee must correct the condition and an advisement that if the condition is not corrected, more serious disciplinary action will be taken;
- A statement advising the employee that a copy of the reprimand will be placed in the employee's permanent personnel file.

4433.2 **Originating Levels for Written Reprimands**

Written reprimands may be written and served by any level in an employee's chain of command. In general, they will be prepared and served by the immediate supervisor.

4433.3 **Documentation of Written Reprimands**

A copy of the written reprimand, signed by the employee upon whom it is served, shall be placed in the employee's permanent personnel file. An additional copy shall be maintained in OIA along with any associated investigative file.

4434 **Suspension from Duty**

4434.1 **Serving a Period of Suspension**

Suspensions shall be served in accordance with City *Administrative Directives and Policies*, Labor Agreements, and this section. The affected member's chain of command will determine the dates on which a suspension is to be served. Suspensions shall be served on consecutive workdays and shall not be divided up.

4434.2 **Conduct While On Suspension**

Members serving a term of suspension remain governed by all provisions of *General Orders*. Members under suspension shall not wear any police uniform, take any police-type action other than that allowed to a private citizen, or work any Special Duty employment positions.

4434.3 **Court Attendance During Suspension**

Supervisors will make every effort to check court schedules prior to establishing the actual effective dates of a suspension. When a conflict exists that cannot be resolved by establishing different effective dates of suspension, the supervisor shall attach to the employee's request for payment a memorandum documenting the conflict. In any event, the employee shall be properly compensated for any scheduled job related court appearance that occurs during a suspension.



4434.4 Surrender of Property During Suspension

At the discretion of the employee's Division Commander, members serving a suspension may be required to surrender any police credentials, badge, Department weapons, keys and any city owned property, including vehicles, issued by the police department for the duration of their suspension.

4434.5 Release from Active Duty for Cause

Whenever there is a violation of *General Orders* or for the preservation of good order and discipline, any supervisor may immediately and without written notice, release from active duty any subordinate pending further investigation. Such a release shall be with pay. The only exception to the foregoing shall be in those situations where sworn personnel are supervised by non-sworn personnel and the issue involves the use of police powers. In such a situation, the non-sworn supervisor shall defer any action to the next highest sworn member in their chain of command.

In every case, the supervisor relieving an employee from active duty shall, as soon as practical but in no more than 72-hours, submit a written report through the chain of command to the Chief of Police detailing all of the circumstances involved in the action. In all cases, the final decision for further action rests with the Chief of Police. The Chief of Police shall have the authority to reinstate any employee of the department who has been released from active duty.

When a member is relieved from active duty as outlined above, the chain of command may require the affected member to surrender their police credentials, badge, department weapon, keys, and any city owned vehicles or property.

Members released from active duty may not take any police action until they are restored to full duty status.

4434.6 Paperwork Required for Suspensions

OIA shall ensure that all necessary paperwork, including an *Attachment "A"*, if required, and PARF are prepared and available to the chain of command serving notice to an employee. The person serving the employee with the completed package shall note the effective dates of the suspension on the PARF. All completed and signed paperwork shall be returned to OIA for processing and distribution, including to Police HRD.

Once an employee has served a period of suspension, the division in which they work shall forward a copy of the rosters showing the suspension to OIA for filing.

4435 Reductions in Pay

4435.1 Recommendations for Reduction in Pay

Employees may incur a reduction in pay for discipline, unsatisfactory performance, or failure to meet conditions of employment. When an employee's rate of pay is reduced for



disciplinary purposes under the Matrix, the reduction shall be not less than one step or 5%, which ever is greater.

4435.2 Paperwork Required for Reductions in Pay

OIA shall ensure that all necessary paperwork, including an *Attachment "A"* and PARF showing the proposed reduction in pay, are prepared and available to the chain of command serving notice to an employee. All completed and signed paperwork shall be returned to OIA for processing and distribution, including to Police HRD.

4436 Demotions

4436.1 Recommendations for Demotion

An employee's chain of command may recommend that an employee be demoted to a lesser rank or pay grade as a disciplinary action as called for in the Discipline Matrix. Any such recommendation shall specify the exact rank or grade to which an employee is to be demoted. An employee may not be demoted to a classification in which they have not previously completed probation. If the employee has never completed probation in such lower classification, then demotion is not an available disciplinary option. A denial of permanent status to a probationary employee does not constitute a demotion or discipline.

4436.2 Paperwork Required for Demotions

OIA shall ensure that all necessary paperwork, including an *Attachment "A"* and PARF, are prepared and available to the chain of command serving notice of an involuntary demotion to an employee. The person serving the employee with the completed package shall note the effective dates of the action on the PARF. All completed and signed paperwork shall be returned to OIA for processing and distribution, including to Police HRD.

4436.3 Reassignment of Demoted Personnel

Once an employee has been demoted for disciplinary purposes, they shall be assigned to a position or assignment suitable to their new rank or grade. The employee shall be notified of their new assignment when presented with the final documentation of the action by their chain of command. Police HRD is responsible for ensuring that all necessary paperwork is completed with regard to any such move.

4436.4 Return of Equipment Following an Involuntary Demotion

Once an employee is served with an effective date of demotion, they shall turn in any equipment, identification, badges or other items possessed by virtue of their former rank. The employee's chain of command shall offer suitable assistance and monitoring to ensure that any old equipment is returned and new equipment issued, as appropriate, within 72-hours of the effective date of an involuntary demotion.



4437 Termination Recommendations

When a recommendation is made to terminate an employee's employment, the completed package shall first be submitted to the City Attorney's Office for legal review. Once final review has been completed and the Chief of Police has approved the package, OIA shall proceed with the discharge process.

4437.1 Preparation of Discharge Paperwork

OIA shall prepare the necessary paperwork for the discharge, including the Personnel Action Request Form (PARF), the *Attachment "A"*, documenting the reasons for the dismissal, and the *Notice of Intent to Discharge*.

4437.2 Scheduling a Pre-Discharge Review

OIA shall schedule and arrange a Pre-Discharge Review no sooner than the seventh calendar day following service of the *Notice of Intent to Discharge* on the employee. The Review will generally be composed of three Assistant Chiefs. The Assistant Chief commanding the Bureau in which the subject employee is assigned will not participate in the review. If a sufficient number of Assistant Chiefs are not available, a Captain not in the employee's chain of command may be appointed by the Chief of Police to participate in the review. The date, time and place of the review shall be noted on any paperwork served on the subject employee.

4437.3 Service of Notice to the Employee

OIA will provide the employee's division commander with all the necessary paperwork. The division commander will serve the employee the *Notice of Intent to Discharge*, advise the employee of the reason for the action and the date, time, and place of the Pre-Discharge Review. The employee shall be advised that they must attend the Pre-Discharge Review. Once served and signed by the employee, the discharge paperwork shall be returned to OIA.

In the event that an employee cannot be personally contacted, OIA shall send a copy of the *Notice of Intent to Discharge*, together with a copy of *Attachment "A"*, Priority Mail with delivery confirmation to the employee at their address of record. OIA shall maintain any returned mail or receipts documenting the attempted contact with the employee.

4437.4 Conduct of the Pre-Discharge Review

The purpose of the Pre-Discharge Review is to allow the employee the opportunity to submit, in writing or in person, reasons why the discharge should not occur.

The review shall take place at the date, time and place designated in the employee's notice. If the employee fails to appear as directed, the review shall take place and a notation shall be made of the non-appearance. At the review, an employee shall be allowed adequate time to present reasons why the proposed action should not take place. An attorney, representative of the bargaining unit, or individual designated by the



employee may attend but not participate. Per the 2008 Labor Agreement, TACE representatives may be present for civilian employees. No recording of the proceedings is permitted.

Once the employee has completed any presentation, the members of the Review panel will render a recommendation on the proposed action, which they shall then present to the Chief of Police and the employee. If the panel decides to uphold the action, the PARF shall be signed, a copy provided to the employee and the effective date written in. If the Board decides to recommend an action other than discharge the termination will not proceed and the matter shall be referred to the Chief of Police for review and action as appropriate.

A member of OIA shall attend the Review and assist the panel members as needed.

4437.5 Post Review Actions

At the completion of the review, the OIA member shall prepare a memorandum for the file indicating that the review was held, listing the review panel members, noting whether or not the employee attended, and the final recommendation of the panel. If the termination is upheld, the affected employee shall be directed to Police Human Resources for checkout. OIA shall be responsible for ensuring that all department equipment is returned by the discharged employee.

4440 DOCUMENTATION

4441 Documentation Required

In order to support any disciplinary action, supervisors shall ensure that all actions relating to discipline are properly documented. It is particularly important to show any progressive steps or actions taken previously that support present recommendation. Employees are required to sign all disciplinary notices presented to them and shall be provided with copies of all such documents.

4442 Permanent Record Keeping

Reprimands, suspensions, reductions in pay grades, demotions and terminations shall be recorded in a member's permanent employee file maintained in the Human Resources Division. Corrective action shall only be recorded in the records of OIA, but shall not be recorded in the employee's permanent personnel file.

OIA shall also be responsible for documenting and logging as appropriate all disciplinary actions taken against members arising from any matter filed in Internal Affairs. OIA shall also be responsible for housing all investigative files from which discipline may arise. All such files are subject to the purge criteria established for specific files in OIA.

In addition to formal records of discipline in an employee's personnel file, it is also appropriate and permissible for supervisors to make mention of discipline in a performance review covering the period during which the action either occurred or was administered. Corrective action would



not generally be referenced in a performance review, although behavior underlying the action may be if it has performance implications.

4443 Chain of Command Review

Decisions on disciplinary action against an employee are generally made following a review of the circumstances and recommendations by the member's chain of command applying the Department Discipline Matrix. Two levels of the chain of command must agree on proposed discipline in order for it to be implemented, with the exception of the Chief of Police who is the final level for any recommendation for termination. For disciplinary review purposes, the chain of command will generally start with the affected employee's immediate supervisor. Exceptions may occur with the review starting at a higher level, as may be deemed appropriate by the Chief of Police or Bureau Commander (e.g., non-sworn reviewing police action by a sworn employee, immediate supervisor unavailable, etc.). Refer to *General Order 4413* for information on the use of the Discipline Matrix.

4450 GRIEVANCE PROCEDURES

4451 General

4451.1 Availability of Grievance Procedures

All employees of the City of Tucson are eligible to formally grieve discipline or certain working conditions as set forth in *City Administrative Directive 2.02-2*. Employees who are covered by a labor agreement may choose to follow grievance procedures as set forth in the labor agreement or in *Administrative Directive 2.02-2*, but not both.

Reserve Police Officers and Volunteers are not eligible to use these procedures.

4451.2 Applicability of the Grievance Procedures

In order for a matter to be grievable, it must:

- Concern matters or specific incidents that have occurred, and
- Result from an act or omission by management regarding working conditions or other aspects of employee-employer relations over which the department has control, and
- Arise out of a specific situation or act, which has resulted in perceived inequity or damage to the employee.

Examples of items that are grievable include:

- Reprimands and suspensions of 10 working days (80 hours) or less.
- Working conditions.
- Employee/employer relations over which the department has control.
- The application, operation or alleged violation of a *City Administrative Directive*, Human Resources policy, or department policy.



Examples of items that are not grievable include:

- Management rights as outlined in *City Administrative Directive 2.02-2*.
- Items appealable to, or under the jurisdiction of the Civil Service Commission.
- Original appointment and promotional appointment probationary failures.
- Performance evaluations.
- Salary issues.
- Merit increase denials.
- Policies established by the Mayor and Council, state or federal law.
- Equal Employment Opportunity Complaint Procedures.
- Board of Inquiry at Fault Findings (the resulting discipline may be grieved).
- Actions or incidents which have been reviewed pursuant to any other investigative or review procedure, such as the Administrative Directive 2.02-4, Reporting Wrongful Conduct.

4451.3 Review Process

Absent compelling reason, as decided by the affected member's Bureau Commander, grievances filed by an employee will generally be handled through the chain of command to which the member was assigned at the time of the issue under consideration. This may progress to the level of the City Manager depending on circumstances and the process employed. The final step in this process may be through arbitration.

The involved employee or a representative shall contact OIA at the initiation of any grievance process. OIA shall issue a Grievance Tracking Number for each process. The member's chain of command shall not consider a grievance without this tracking number. Employees are responsible for tracking the progress of their grievance as it progresses through the chain of command. The involved employee is responsible to notify OIA that the matter has been concluded within five working days of the completion of the process. OIA is responsible for maintaining the associated files. In an effort to identify and address trends related to grievances, OIA shall generate an annual analysis of grievances.

4451.4 Retaliation Prohibited

Retaliation against employees who file grievances in the course of their employment is prohibited.

4451.5 Grievances Regarding Discipline

In keeping with the structure of the Discipline Matrix, disciplinary sanctions may only be changed within the identified level (i.e., may not be lowered to less than that identified as the minimum sanction for a given level). The Chief of Police retains the final authority to deviate from the Matrix as conditions and circumstances warrant.

Discipline may be subject to the contract grievance process as outlined in this section. In keeping with the structure of the Discipline Matrix, disciplinary sanctions may only be changed within the identified level (i.e., may not be lowered to less than that identified as



the minimum sanction for a given level). The Chief of Police retains the final authority to deviate from the Matrix as conditions and circumstances warrant.

4460 RETIREMENT, RESIGNATION AND DISMISSAL

4461 Credentials

The issuance of retirement credentials or the sale of badges to retiring or departing employees is a privilege offered to members who have served the agency honorably.

4461.1 Authorizing Issuance of Retirement Credentials

Commissioned members, who retire honorably from the police department, whether through a standard PSPRS retirement period of service or through the granting of a medical retirement, are eligible to be considered for issuance of retirement credentials (badge and ID card). A retiring employee or their representative may make a request for the issuance of retirement credentials through Police Human Resources, which will obtain authorization for the issuance through established channels. This authorization will also determine the departing member's eligibility to purchase their badges for display mounting.

The following circumstances, and others as determined by the Chief of Police, may preclude an officer from being granted (or maintaining) honorably retired status:

- Sustained allegations of criminal activity,
- Retirement in lieu of disciplinary action, including suspension, dismissal, demotion or pending action on peace officer certification,
- Criminal activity after retirement and/or,
- Suspension of peace officer certification, during or after employment with the Tucson Police Department.

The decision as to whether or not to issue credentials lies within the discretion of the Chief of Police. Members are reminded that the issuance of retirement credentials and the sale of badges to retiring or departing employees is a privilege offered to members who have served the agency honorably.

Authorization to receive retirement credentials allows that member to attend any formal retirement ceremony sanctioned by the department regardless of specific type of retirement.

An officer who accepts retirement credentials agrees to return those credentials upon notice from the agency that the credentials have been revoked. Credentials may be revoked when the Chief of Police determines it is in the best interest of the agency.

The Chief of Police is the final authority in determining whether or not to issue retirement credentials to a retiring employee. Authorization to receive retirement credentials allows that member to attend any formal retirement ceremony sanctioned by the department regardless of specific type of retirement.



4461.2 Purchase of Badge(s) for Departing Members

Members, who retire honorably from the police department, or their labor organization representative, may arrange for purchase of their appropriate badge or badges for mounting on a presentation plaque. The cost of the badge(s) and purchase arrangements is coordinated through police supply.

Members who leave the police department for reasons other than standard or medical retirement will generally not be allowed to purchase their badge(s). The Chief of Police may grant exceptions to this policy as circumstances warrant.

Prior to issuing badges for purchase and mounting, police supply shall verify through Police Human Resources that the departing member is eligible for retirement credentials. The Chief of Police may grant exceptions to this policy as circumstances warrant.

4461.3 Flat Badges

Flat badges purchased by or for members during their tenure with the police department are department property. Members, who retire honorably from the police department, shall be allowed to retain their flat badge. Members who leave the police department for reasons other than the standard PSPRS retirement or medical retirement, will turn in their flat badge at the time of separation from the agency. Police supply will be contacted to arrange for reimbursement for the cost of the flat badge.

4462 Standard Retirement Procedures

Members desiring employment separation must complete a *Personnel Report* informing the chain of command of the desired action. Members shall then refer to *City Administrative Policy 233* for guidelines for compensation and pension information. Members must complete appropriate checkout procedures with the department as well as the city before any retirement benefits can be processed.