

I) Discipline

A. Administrative Investigations

The City shall conduct administrative investigations in a respectful, fair, and impartial manner and in compliance with Section 3303 of the Public Safety Officer's Procedural Bill of Rights (Government Code 3300 et. seq.). Employees shall be advised of the nature of the investigation consistent with the requirements of Government Code Section 3303(c) and *Pasadena Police Officers Assn. v. City of Pasadena* (1990), *Hinrichs v. County of Orange* (2004). Employees shall be provided with an opportunity to review any statements, responses or information they previously provided in a first interview prior to being required to appear in any second or follow-up interview in the same investigation.

B. Skelly Hearings

An employee who is given a Notice of Proposed formal discipline above a letter of reprimand (i.e. proposed discipline involving a loss of pay, demotion or reduction in rank, or dismissal) shall have the option of requesting a Skelly Hearing by requesting a hearing within ten (10) calendar days of receipt of a letter of intent to discipline. The Skelly officer shall be the Chief of Police or designee. The meeting shall be informal, but the employee shall have the right to be represented at the meeting by the representative of their choice and may present evidence. Within ten (10) calendar days of the meeting, the Skelly officer shall issue a written response including their decision as to rescind, uphold, or modify the discipline. In cases where discipline is to be imposed, the response shall be accompanied by a final notice of disciplinary action.

C. Appeals of Discipline

1. Letters of Reprimand

An employee may request an administrative review of a letter of reprimand by submitting a request within fifteen (15) calendar days following the receipt of the letter of reprimand. The City Manager or designee shall schedule a meeting with the employee within fifteen (15) calendar days of receipt of the employees request for review. The meeting shall be informal, but the employee shall have the right to be represented at the meeting by the representative of their choice and may present evidence. The City Manager or designee shall issue a written decision within fifteen (15) calendar days following the meeting. In the event a written reprimand is upheld it shall be placed in the employee personnel file. Thereafter, the employee shall have, consistent with Government Code Section 3306, thirty (30) days to provide a response to the reprimand. The response shall be attached to the reprimand and be considered in any future proceedings that include consideration of the reprimand itself.

2. Formal Discipline Above a Letter of Reprimand

a. An employee may request an appeal of formal discipline above a letter of reprimand by submitting a request within fifteen (15) calendar days following the receipt of a final notice of discipline. The appeal of discipline shall be resolved by the City Manager or designee.

b. Formal Appeal Hearing

i. The hearing will be conducted in whatever manner will most expeditiously permit full presentation of evidence and arguments by the parties. This shall include discretion to determine the relevance and materiality of evidence offered during the course of the hearing. To the extent reasonably practicable, all evidence shall be taken in the presence of the City Manager and the parties.

Conformity to the legal rules of evidence is not necessary. The City Manager may request witnesses or documents upon his or her own initiative or upon request of any party after determining that the evidence is likely to be relevant to the dispute and is not subject to the attorney client privilege or exclusion as attorney-client work product.

ii. The decision of the City Manager shall be issued in writing, include an explanation in support of the decision, and shall be final.

D. Retention and Use of Discipline Documents

1. Discipline documents shall be retained as required by state law, however they may only be used for employment decisions for a limited period of time, as listed below. Use periods shall begin once a letter of intent is issued, or when the final letter is issued in cases where there is no letter of intent. Once the use period has ended, the employee may request that they be removed from the personnel file.. Documents that are removed from the employee's personnel file shall be archived following the completion of the use period and are not considered as a basis for progressive discipline in future discipline matters involving the same employee unless for the same workplace rule violations.

2. Use Periods

a. Documented Counseling and Letters of Retraining: Twelve (12) months.

b. Letters of Reprimand: Eighteen (18) months.

c. All other Discipline: Sixty (60) months.

E. Timeframes

1. All timeframes in this Policy shall be in calendar days unless the section specifies workdays.

2. All timeframes in this section are jurisdictional. In the event an employee fails to make a request for a pre-disciplinary appeal hearing, the employee shall be deemed to have waived all subsequent pre-disciplinary processes. In the event an employee fails to request an appeal to the City Manager within the required time period, the employee is barred from proceeding with all post-disciplinary proceedings and the proposed discipline shall become final without any further right to a hearing.