



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy Number: Disciplinary Action	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

I. Purpose

This policy establishes the principles, policies, and procedures supervisors must follow to lead employees to their highest level of performance on behalf of the Pawnee County Sheriff's Office (PCSO). This policy includes procedures for handling employee training and development opportunities short of disciplinary action and procedures for those occasions when disciplinary action is necessary.

II. Definitions

Corrective Action: Any action by a supervisor short of disciplinary action that may include, but is not limited to a frank conversation, a referral for training or the employee assistance program, a documented counseling (verbal or written), or a written reprimand. Corrective actions may not be appealed or grieved through a Civil Service.

Disciplinary Action: A personnel order imposing disciplinary sanctions in response to substantiated allegations of employee misconduct that results in loss of monetary benefits or direct compensation. See Pawnee County Civil Service Regulations, Rule 12.

Finding: The recommended disposition of an investigation presented to the ADC for review.

Suspension: A form of disciplinary action placing an employee on relief of duty without pay for a stated period.

Termination: The involuntary separation of the employee's employment from the Pawnee County Sheriff's Office by the agency.



Policy Number: Disciplinary Action	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

III. Policy

Mistakes and good-faith errors in judgment should not be confused with willful acts or omissions that violate PCSO policy and rules. Unprofessional conduct resulting from a mistake or a good-faith error in judgment may be an opportunity for training and employee development rather than the basis for disciplinary action depending on the severity of the mistake or the degree of error in judgment. Each supervisor must determine the point at which repetitive mistakes cease to be an opportunity for training and employee development and become a problem to be resolved through disciplinary action.

A. Establishment of Corrective Action and Disciplinary Procedures:

The following procedures have been established in order that:

1. Every PCSO employee may have confidence that, while proper performance of duty will be insisted upon, due recognition of rights will be assured.
2. Complaints, grievances, or alleged abuse of authority involving any employee will be fully and fairly considered.
3. Supervisors can take proper steps to enforce PCSO rules and regulations affecting the proper performance of employees under their command and by which they may effectively correct conduct, encourage improved performance in the future, and accomplish suitable training.

B. The Sheriff intends for all disciplinary actions to be administered in an equitable, consistent, and compassionate manner. Disciplinary action may not be initiated except for just cause.

C. Corrective and disciplinary actions have multiple objectives. The underlying purpose of corrective and disciplinary actions are to modify the employee's conduct or behavior so that it complies with the agency's policies and procedures and to ensure:



Policy Number: Disciplinary Action	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

1. The PCSO work is handled professionally;
2. Unprofessional conduct will not be tolerated;
3. Employees who perform their assignments in a professional manner will not be adversely affected by the few who do not;
4. There exists a mechanism, through termination, to protect the operational integrity and high ideals of the PCSO from those few persons whose actions or omissions show that they should no longer be associated with the PCSO; and
5. The PCSO has an avenue for the exercise of accountability.

IV. Procedure – Corrective Actions

A. Whenever a supervisor observes or hears about an employee who has engaged in relatively minor behavior that is inconsistent with a PCSO policy or that is not in the best interest of the PCSO or the employee's career development, the supervisor should take action. What that specific action will be is determined based on all of the facts and circumstances surrounding the situation.

1. Supervisors must refer any of the following allegations of misconduct to the Undersheriff for an for his or her consideration before taking any form of corrective or disciplinary action:
 - a. Any use of force;
 - b. Harassment based on race, color, sex, sexual orientation, national origin, age, religion, or disability (including claims of a hostile work environment based on any of those protected categories);



Policy Number: Disciplinary Action	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

c. Any violation of the federal or Oklahoma Law.

d. Any other matter the supervisor believes may warrant consideration or an internal investigation.

2. The Undersheriff will decide whether he/she will take on the investigation or refer it back to the supervisor.

B. Corrective actions can be as simple as a conversation with the employee to note the deficient performance or behavior and to remind the employee what the expected performance or behavior is. These conversations should include two-way communication between the supervisor and the employee to ensure the employee understands clearly, what the expectation is and giving the employee a chance to ask questions, if necessary. Supervisors may choose to record the conversation.

C. If a supervisor has had more than one conversation with an employee on the same performance or behavior problem, the conversation will be documented as a verbal counseling. Verbal counseling is an excellent tool to remind an employee of the agency's expectations and to encourage future behavior that meets those expectations.

D. When an employee's behavior or performance has not improved in response to a lower level of corrective action, or when an employee's initial mistake is serious enough, the supervisor may initiate a documented counseling.

1. Supervisors shall use the agency provided employee warning form and include on department letter ahead a narrative of events.

2. Documented Counseling Process:



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy Number: Disciplinary Action	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

- a. Prepare the documented counseling letter prior to the documented counseling session with the employee. Use the correct gender and the appropriate wording from the options provided or other wording appropriate for the situation.
 - b. Meet with the employee and be prepared to discuss in detail the problems you have identified and a plan of action for correcting the performance or behavior at issue.
 - c. Explain that this is not discipline, but a way to make sure that there is no misunderstanding about what is expected of the employee. Also explain that this is another effort to enhance communication and eliminate potential problems.
 - d. Explain that if the employee feels that the suggestions are completely unacceptable, he or she can suggest alternate solutions to the problems. Record any changes agreed upon into the document. This is an effective way to get commitment on both parts if the original suggestions are not workable.
 - e. Explain that the issue will be closed if the expected improvements or changes are made.
 - f. Explain that while they may make marked improvements in some of the areas, any areas that are still identified as needing additional improvement will be documented further. Additional suggestions or agreements will be made for correcting any remaining problems, and a second follow-up meeting will be scheduled. All follow-up meetings will be documented and attached to the original documentation.
- a) If all parties concur with the deficiencies identified and the plan of action for improvement, each should sign and date the documented counseling letter.
 - b) If changes or additions were made to the original documented counseling letter, those should be initialed along with the letter being signed by the supervisor and the employee.



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy Number: Disciplinary Action	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

- c) If the employee agrees with the recommendations or outcome of the meeting but refuses to sign the letter, make that notation under the place for the employee's signature.
- d) Give the employee a copy with the signatures obtained and place the original signed document in their personnel file.
- e) If, after all the above explanations, the employee does not agree there is a problem or indicates that they do not feel any need for change, it may be necessary to discontinue the documented counseling and move into the disciplinary process.

A written reprimand is documentation generated in response to a substantiated allegation of unprofessional conduct requiring a stronger response than other forms of corrective action, but a determination has been made not to impose disciplinary action. Such documentation may take the form of a description of the unprofessional conduct and the agency's response to it, if any. The format for a written reprimand may vary, but it is always signed by the supervisor. A copy is placed in the employee's PCSO personnel file.

1. Written reprimands shall be originated and prepared in triplicate by the employee's immediate supervisor and forwarded through the chain of command. If the alleged censurable conduct is reported by another employee or a source outside the PCSO, the incident shall be referred to the employee's immediate supervisor who shall have the responsibility to investigate and prepare the written reprimand.
2. The signed original written reprimand shall be forwarded to the Undersheriff to be placed in the employee's permanent personnel file. One copy shall be given to the employee who is the subject of the report, and one copy shall be retained in the employee's bureau file.

V. Procedure – Disciplinary Actions



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy Number: Disciplinary Action	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

A. Disciplinary action may be necessary in response to sustained employee misconduct after reasonable attempts to improve an employee's work performance or inappropriate behavior when the application of corrective actions fails to achieve the desired results. Disciplinary action in response to a serious infraction of PCSO policy or procedure may be imposed without prior attempts at corrective actions.

1. Disciplinary actions include: suspensions, demotions, reductions in rank, and terminations.

2. In addition to a loss of monetary benefits or direct compensation, a disciplinary action may include other actions such as, but not limited to: job transfer, shift change, schedule change, or removal of take-home car privileges.

3. All investigation violations will be identified separately with individual findings using the following dispositions:

- a. Unfounded: The allegation is false or not factual.
- b. Exonerated: The incident occurred but was lawful and proper.
- c. Not Sustained: There is insufficient evidence to prove or disprove the allegation.
- d. Sustained: The evidence is sufficient to prove the allegation.
- e. Withdrawn: The complainant withdraws the complaint before the investigation is complete.
- f. Referred: The investigation of the complaint is forwarded to an external entity or law enforcement agency.
- g. Reviewed:



Policy Number: Disciplinary Action	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

i. No action required

h. Administratively Closed: When the Sheriff or Undersheriff determines the investigation may be closed for administrative reasons.

4. If a violation is sustained, the supervisor will recommend appropriate disciplinary action. The supervisor may recommend other appropriate measures such as, but not limited to employee corrective actions, and additional training. Such referrals or corrective actions shall be referred to the undersheriff.

5. PCSO has adopted a general "3-strikes" rule which will be the basis for corrective action. Employees who have had disciplinary action more than three times in a 12-month period, shall be terminated unless intervention by the Sheriff.

VI. Additional Considerations

A. Supervisors shall avoid censuring an employee in the presence of others as far as circumstances permit.

B. Employees will not be subject to disciplinary action except for just cause.

1. The cause for disciplinary action shall be in writing and shall particularly state the reason or reasons for which the Sheriff has determined that disciplinary action is necessary.

2. Every employee receiving disciplinary action shall have presented to him or her a copy of just cause which shall include the effective date of the disciplinary action.

3. Every employee receiving disciplinary action that results in termination of employment shall receive notice of the cessation of benefits, be referred to the Pawnee County personnel



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy Number: Disciplinary Action	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

regulations, and contact the Pawnee County Clerk's Office determine the status of fringe or retirement benefits.

C. At the completion of the disciplinary action process a copy of all reports and investigations shall become a part of the employee's personnel file.

NOTE: The PCSO retention policy for corrective action shall be 6 months, 1 year, or permanent.

D. The employee being disciplined is entitled to representation at any meeting between the employee and supervisors, but only after a determination has been made to impose disciplinary action. This policy does not interfere with the employee's right to legal counsel.

E. Lateral and upward movement within the PCSO may be affected by disciplinary histories.

F. Supervisor shall use the three-strike example for those incidents that are not egregious enough to warrant termination.

1. First occurrence - Written reprimand.
2. Second occurrence – Suspension.
3. Third Occurrence – Termination.

G. This policy shall not in any way omit the State of Oklahoma's at will status or prohibit the Sheriff from exercising his or her ability to employ or terminate at will.