

Disciplinary Policy

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide employees of this department with guidelines for their conduct in order that they may participate in meeting the goals of this department in serving the community. This policy shall apply to all employees of this department (including volunteer, part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

To ensure discipline is fair and consistent, supervisors and managers making recommendations concerning corrective/disciplinary actions shall review allegations of policy violations based on the facts and circumstances provided in the investigative report.

After an allegation is sustained, supervisors and managers must consider the employee's past performance prior to making a recommendation for corrective/disciplinary action. Information that can be considered is limited to:

- The employee's personnel file maintained by the Human Resources Department.
- IAPro/Blue Team files (i.e. current Supervisor Notes, sustained Service Complaints and Administrative Investigations, etc.)
- Employees current individual performance record (IPR).

Discipline imposed for violations of policies, procedures, or regulations shall be fair and appropriate based upon the facts and circumstances and will take into consideration mitigating and aggravating circumstances ("Just Cause").

The results of a polygraph examination in an investigation shall not be the sole basis for disciplinary action unless other evidence or information exists.

340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-or off-duty, may be cause for disciplinary action.

A certified officer shall only be subject to discipline for just cause unless a Collective Bargaining Agreement (CBA) exists to the contrary. Just cause is established when (ARS § 38-1104):

- The officer was informed of the possible disciplinary action resulting from his/her conduct through agency manuals, employee handbooks, the Peoria Police Department rules and regulations, other communications to the officer or the conduct was such that he/she should have reasonably known disciplinary action could occur.
- The disciplinary action is reasonably related to the standards of conduct for a professional law enforcement officer, the mission of the Department, the orderly, efficient or safe operation of the Department or the officer's fitness for duty.

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- The discipline is supported by a preponderance of evidence that the conduct occurred.
- The discipline is not excessive and is reasonably related to the seriousness of the offense and the officer's service record.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to acts that may materially affect or arise from the employee's ability to perform official duties, that it may be indicative of unfitness for his/her position or that brings discredit or harm to the professional image or reputation of the Department, its members, the City or the law enforcement profession.

340.2.1 LAWFUL ORDERS

Employees shall comply with lawful directives and orders from any supervisor or person in a position of authority absent a reasonable and bona fide excuse.

An employee who believes any written or verbal order to be in conflict with another order or unlawful shall:

- Immediately inform the supervisor issuing the order, the employee's immediate supervisor or the Watch Commander of the conflict or error of the order.
- Provide details explaining the grounds for the belief of the conflict or error of the order.
- Request clarification, guidance and direction regarding following the order.
- Request the order in writing should the conflict or error be unresolved.
- Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be an unlawful order.

An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.

340.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following causes for disciplinary action constitute a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service (see generally ARS § 41-770).

Employees shall conduct themselves, whether on-or off-duty, in accordance with the Constitution of the United States, the Arizona Constitution and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion or removal of any employee:

- Failure to abide by the standards of ethical conduct for employees, including fraud in securing appointment or hire.
- Activity that is incompatible with an employee's conditions of employment as established by law or that violates a provision of any agreement or contract.
- Violation of any rule, order, requirement or the failure to follow instructions contained in Department or City manuals.
- Willful disobedience to any legal order properly issued by any superior officer of the Department.
- Willful neglect of duty.

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- Making public any active investigation information or other data classified as not public to any unauthorized person.
- Unreasonable and unwarranted violence to a person encountered or person under arrest.
- Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- Improper political activity including unauthorized attendance while on-duty at official legislative or political sessions.
- Willful and inexcusable destruction or loss of Department property.
- Violations of federal, state, local or administrative laws that are willful or inexcusable or involve moral turpitude.
- Acceptance of fees, gifts or money contrary to the rules of the Department and/or laws of the state.
- Any act on-or off-duty which brings discredit to the Department.
- Racial profiling.

340.3.1 ATTENDANCE

- Leaving the job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- Tardiness on scheduled work day.
- Failure to report to work or to a place of assignment at the time specified and fully prepared to perform duties.
- Failure to notify the Department of any change in residence address, home phone number or emergency contact information.
- Unauthorized absence from duty or abuse of leave privileges.

340.3.2 CONDUCT

- The term "lawful order" shall be construed as an order in keeping with the performance of any duty prescribed by law or rule of the Peoria Police Department, or for the preservation of order, efficiency and proper discipline.
- Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- Using Department resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- Unauthorized possession of, loss of or damage to Department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities may result in criminal prosecution or discipline.
- Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

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- Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity.
- The use of any information, photograph or video obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or designee may result in criminal prosecution and/or discipline under this policy.
- Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.
- Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- Subjecting another to sexual harassment or illegal or protected category harassment.
- Acceptance of gifts, rewards or gratuities. Employees will not solicit nor accept, either directly or indirectly, rewards for performance of duties and will not ask for or accept gratuities, or use their position to seek favors of any kind. Gratuities include, but are not limited to, free or discounted food and/or beverages. Employees are not restricted from using coupons or discount cards that are available to the general public or part of a special business promotion. Employees will not engage in any business transaction with a person in custody. (26.1.1)
- Recording. Employees/sworn personnel of the Peoria Police Department will only audio/video record the statements of another City of Peoria or Peoria Police Department employee after advising the second or subsequent City of Peoria or Peoria Police Department employee in the conversation that their statements are being recorded.
 - This declaration must be made each time a new City of Peoria or Peoria Police Department employee becomes involved in the conversation.
 - This does not preclude the recording of conversations of any persons for criminal investigation purposes.
 - The Chief of Police may authorize an employee or officer to record a City of Peoria or Peoria Police Department employee without their consent when it is deemed necessary according to the provisions listed below. In the absence of the Chief of Police, or during the tenure of an acting Chief of Police, such authorization must come from a Deputy City Manager.
 - Such authorization must be issued in writing in duplicate. One copy to be provided to the employee authorized to make the recording, and the other copy to be filed with the Professional Standards Unit files of the Peoria Police Department.
 - Such authorization will only be made in the case of allegations of serious misconduct.
 - The Chief of Police will provide annual reporting for any uses of recordings above. Accounting of use, if any occurs during the year, will be attached to the annual report of Administrative and Citizen Complaint investigations and will list the number of incidents where such recording(s) were authorized.

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- Recommendation for Professional Services. No Peoria Police Department employee, while on-duty, will recommend the employment of any particular attorney, bail bond organization or individual, alarm company, tow service, or other service for which a fee is charged to any citizen.

340.3.3 DISCRIMINATION, OPPRESSION, HARASSMENT OR FAVORITISM

- Discrimination, oppression or favoritism of any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, with the knowledge that the conduct is unlawful.
- Employees shall not date or become personally involved with members of the Peoria Police Department's Law Enforcement Explorer Scout Post.

340.3.4 INTOXICANTS

- Reporting for work or being at work following the use of intoxicants, where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise), where such use may impair the employee's ability to perform assigned duties, without prior notification of a supervisor.
- Unauthorized possession, use of or attempting to bring a controlled substance or other illegal drug to any work site.

340.3.5 PERFORMANCE

- Unauthorized sleeping during on-duty time or assignments without permission.
- Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- Unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department, or that would tend to discredit any member thereof.

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- Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Department record, public record, book, paper document.
- Wrongfully loaning, selling, allowing unauthorized use, giving away or appropriating any Department badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.
- Carrying, while on the premises of the work place, any firearm or other deadly weapon that is not required for the performance of the employee's current job duties or authorized by his/her appointing authority.
- The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose.
- The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorized supervisor. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- Attempted or actual theft of Department property, misappropriation or misuse of public funds, property, personnel or services or the property of others, or the unauthorized removal or possession of Department property or the property of another person.
- Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on or off duty.
- Failure to disclose or misrepresenting material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.
- Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.
- Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
- Offer or acceptance of a bribe or gratuity.
- Misappropriation or misuse of public funds, property, personnel or services.
- Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on Department premises; at any worksite; while on-duty or while in uniform; or while using any Department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

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- Substantiated, active, continuing association on a personal rather than official basis with persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property or while in any way representing him/herself as a member of this department, except as expressly authorized by the City policy, the collective bargaining agreement or the Chief of Police.
- Engaging in political activities during assigned working hours except as expressly authorized by the City policy, the collective bargaining agreement or the Chief of Police.
- Violating a law related to employment or any misdemeanor or felony statute.
- Any other on-or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale or which tends to reflect unfavorably upon the Department or its members.
- Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).
- Failing to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any Department related business.
- Establishing an inappropriate social relationship, as a result of an investigation, with a known victim, witness, suspect or defendant of a Department case while such case is being investigated or prosecuted.
- Requirement to take action. Off-duty sworn officers not in an Officer-in-Training (OIT) status will take appropriate action on all felonies coming to their attention.

340.3.6 SAFETY

- Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Department facilities or to use required protective clothing or equipment.
- Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- Violating Department safety standards or safe working practices.

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340.3.7 SECURITY

- Unauthorized, intentional release of designated confidential, private, non-public or protected non-public data.

340.3.8 SUPERVISOR RESPONSIBILITIES

If an employee's conduct is a cause of action for discipline, the supervisor shall inform the employee promptly and specifically of the improper conduct.

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this department and that the actions of all personnel comply with all laws.
- Failure of a supervisor to report in a timely manner any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated pursuant to state or local law or an applicable collective bargaining agreement and in accordance with the Personnel Complaints Policy (see ARS § 38-1101(A) through ARS § 38-1101(O)). The investigation should be completed within three months after the discovery of the allegation.

340.4.1 CORRECTIVE ACTIONS

Corrective actions are informal actions taken by a supervisor to correct minor infractions of policy or procedure and is not considered discipline.

Verbal counseling/coaching: Used to correct behavior/performance that is unacceptable through the use of positive suggestions for improvement.

- May be documented in the Department's performance tracking system (Blue Team/IAPro) as a "Supervisor's Note."
- Shall be purged from system on the employee's next evaluation date.
- Documented/Written counseling: Used for a more serious offense or when the response to a verbal counseling is not sufficient and provides documentation that can be used as an aggravating factor for future discipline. (26.1.4.b)
- Shall be entered in Department's performance tracking system (Blue Team/IAPro) as a "Service Complaint."
- Shall be purged from system and Human Resources personnel file one year from the date of counseling.
- Can be used as an aggravating factor for future discipline that occurs within twelve (12) months of the counseling

Mandatory Training: Instruction in the area of concern to ensure employee becomes proficient or gains the knowledge necessary to overcome the identified problem area.

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This shall be documented in the department Performance Tracking System and in the employees training file. (26.1.4.a)

340.4.2 FORMAL DISCIPLINARY ACTIONS

Formal disciplinary actions shall be approved by the Chief of Police and include letter of reprimand, suspension, demotion, and/or termination and can be administered by a member of the chain of command at the rank of commander or above.

After completion of an investigation if an employee is facing disciplinary action (which is defined in this paragraph as dismissal, demotion or suspension for greater than eight (8) hours) may request a basic summary of any discipline taken against any other Department employee of general or similar rank and experience within the past two (2) years for the same or similar violation. In the alternative, the City may provide file copies of relevant disciplinary cases. The City will not take final action and/or schedule the hearing until the basic summary or file copies are provided to the employee. This paragraph does not apply in the event a court rule prohibits the release of the file copies of disciplinary cases.

340.4.3 LETTER OF REPRIMAND/WRITTEN REPRIMAND

- Shall be placed in the employee's City of Peoria personnel file, and documented within the employee's annual performance appraisal for the rating period that the written reprimand was received.
- If the employee believes that the disciplinary action is not within the regulations, policies, or the established guidelines of the City of Peoria and the Peoria Police Department, they may make a written request within fourteen (14) calendar days of issuance of the Final Notice of Discipline to the Chief of Police requesting the review of the action taken. The determination of the Chief of Police is final and may not be appealed in accordance with the established Personnel Administrative Regulations of the City of Peoria.
- (COPPS Members and non-represented employees) Letters of reprimand/written reprimand may be considered an aggravating factor for future discipline for up to three (3) years from the date reprimand was given. After three (3) years, the employee may request, in writing through the Chief of Police, to have a letter of reprimand/written reprimand removed from the employee's personnel file and purged from the department performance tracking system (Blue Team/IAPro).
- (PPOA and AFSCME Members) An employee may request, in writing to the Chief of Police, to have a letter of reprimand/written reprimand removed from the employee's personnel file and purged from the department performance tracking system (Blue Team/IAPro) after one (1) year from the date reprimand was given provided there are no subsequent disciplinary actions of any kind.
- Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final.
- Written reprimands may only be placed in a peace officer's personnel file in compliance with ARS § 381101(K).

340.4.4 SUSPENSIONS/DEMOTIONS

- The Chief of Police may suspend an employee without pay.

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- Suspensions of two (2) days or less may not be appealed to the Personnel Board. Suspensions greater than two (2) days and demotions may be appealed to the Personnel Board in accordance with City of PAR 61.
- A copy of the Final Notice of Discipline shall be placed in the employee's City of Peoria personnel file, and documented within the employee's annual performance appraisal for the rating period that the suspension was received. The documentation shall be limited to the policy/PAR violated, the findings, and the imposed discipline. (COPPS members, PPOA, and non-represented employees) Suspensions may be considered as an aggravating factor for future discipline for up to five (5) years from the date suspension was given. After five (5) years, the employee may request, in writing through the Chief of Police, to have the "Final Notice of Discipline" removed from the employee's personnel file and purged from the department performance tracking system (Blue Team/IAPro).
- (COPPS members, PPOA, and non-represented employees) Demotions may be considered as an aggravating factor for future discipline for up to seven (7) years from the date suspension was given. After seven (7) years, the employee may request, in writing through the Chief of Police, to have the "Final Notice of Discipline" removed from the employee's personnel file and purged from the department performance tracking system (Blue Team/IAPro).
- (AFSCME member) A notice of suspension or demotion will be active in an employee's personnel file for a period of not longer than three (3) years provided there are no subsequent disciplinary actions of any kind.

340.5.1 REVIEW BOARD

The Chief of Police may convene a review board to review an internal investigation of an officer. Upon completion of the review, the review board chairperson shall report the findings and recommendation of the review board regarding the proposed disciplinary action to the Chief of Police. The findings and recommendation of the review board are public records unless otherwise declared confidential by state or federal law.

340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to the imposition of any recommended discipline. The employee shall consider the following:

- This response is not intended to be an adversarial or formal hearing.
- Although the employee may be represented by an uninvolved representative and/or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of the subsequent investigation prior to the imposition of any discipline.

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- The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.
- Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reasons for termination and the process to receive all remaining fringe and retirement benefits.
- Once the Chief of Police has issued a written decision, the discipline shall become effective.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.8 POST-DISCIPLINE APPEAL PROCEDURE

Unless otherwise specified in a collective bargaining agreement or applicable law, an employee wishing to formally appeal the imposition of a suspension of more than two days, punitive transfer, demotion or termination of a non-probationary employee, the employee shall have the right to an appeal of the Chief of Police's imposition of discipline, pursuant to ARS § 38-1101(E) through ARS § 38-1101(O):

- All members of the Department who receive formal disciplinary action amounting to a suspension of more than two days, demotion, termination or transfer where the individual received lesser compensation, may appeal the disciplinary decision.
- Individuals wishing to appeal disciplinary actions shall do so in writing within five days of receiving notice of discipline.
- The Department and the disciplined employee shall exchange copies of all relevant documents and a list of all witnesses pursuant to the time periods and requirements specified in ARS § 38-1101(E).
- Either the Department or the employee may seek review of evidence, pursuant to ARS § 38-1101(H).
- The Department shall have the burden of proof in an appeal of a disciplinary action by an employee (ARS § 38-1101(J)).
- Except where a statute or ordinance makes the administrative evidentiary hearing the final administrative determination, the Chief of Police may amend, modify, reject or reverse a decision made by a hearing officer, administrative law judge or appeals board, pursuant to ARS § 38-1101(K).
- The Department shall not include any information about an investigation in an officer's personnel file that is accessible to the public until the investigation is complete or the investigation has been discontinued (ARS § 38-1101(L)).
- In any appeal, either the Department or the employee may request a change of hearing officer or administrative law judge, pursuant to ARS § 38-1101(I).

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- An employee may seek judicial relief after exhausting Department grievance procedures and other administrative remedies through application to the proper court as allowed by law or agreement.

340.9 NOTIFICATION TO AZPOST

340.9.1 DISCIPLINE REPORTING

The Department shall report to AZPOST any disciplinary action involving a certified officer that could result in the suspension or revocation of his/her certified status (ARS § 41-1828.01(A)). Conduct that results in discipline shall be reported for any of the following:

- Failure to meet the minimum qualifications for certification.
- Providing false information related to certification as a peace officer.
- A medical, physical, or mental disability that substantially limits the person's ability to perform the duties of a peace officer effectively.
- Violation of a restriction or requirement for certified status.
- The illegal use of a controlled substance.
- Unauthorized use of or being under the influence of spirituous liquor on duty.
- The commission of any offense that would be a felony if committed in Arizona or any offense involving dishonesty, unlawful sexual conduct, or physical violence.
- Malfeasance, misfeasance, or nonfeasance in performing the duties of a peace officer.
- A conduct or pattern of conduct that tends to disrupt, diminish, or otherwise jeopardize public trust.

340.9.2 TERMINATIONS/DISMISSALS

The Chief of Police, with the approval of the City Manager, may separate an employee from the City's work force.

In the event that an investigation of employee misconduct results in dismissal, the employee shall receive a Final Notice of Discipline/Separation which contains the following information: (Any employee who fails to meet probationary requirements will be exempt from this requirement.)

- A statement citing the reason for the dismissal. (26.1.7.a)
- The effective date of the dismissal. (26.1.7.b)
- A statement of the status of the employee's fringe and retirement benefits after dismissal (Provided to employee by Human Resources Department) (26.1.7.c.)
- A copy of the Final Notice of Discipline/Separation shall be placed in the employee's City of Peoria Personnel File.
- Termination/dismissal may be appealed to the Personnel Board in accordance with City of PAR 61.
- The Department shall inform AZPOST of the termination of any certified officer pursuant to AAC § R134108 and ARS § 411828.01(A). The report shall be submitted within 15 days of the termination and include:
 - The effective date and nature of the termination.
 - A detailed description of any termination for cause.

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- A detailed description of the cause for the suspension or revocation of certified status including supporting documentation for the decision.

340.10 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet Department standards, the employee shall have no right to appeal and the following shall be considered:

- Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file.
- In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the appeal procedure above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.
- At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in applicable Department policies.
- A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.
- The burden of proof for any probationary employee's appeal of disciplinary actions shall rest with the employee and will require proof by a preponderance of the evidence.
- In the event that a probationary employee meets his/her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.
- In the event that a probationary employee fails to meet his/her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police (ARS § 38-1104(B)).