3-02/010.55 - Transferring Employees Subject to a Settlement Agreement or a Participant in the Performance Mentoring Program, or Other Work Restrictions

When an employee and the Department reach a negotiated settlement that modifies disciplinary action and/or requires the employee to perform one or more special activities (e.g., briefings, additional training, counseling sessions, etc.), it is critical that the Department document the employee's compliance with the terms of the agreement.

While individual unit commanders are responsible for monitoring and documenting an employee's compliance with a negotiated settlement agreement, Risk Management Bureau (RMB) personnel are responsible for assisting the unit commanders with monitoring and documenting compliance with these agreements. Unit commanders are required to provide written notification to RMB once an employee in their command has completed the special activity requirement(s) in the settlement agreement. Once compliance is achieved, RMB personnel will ensure the written notification is placed in the appropriate administrative case file.

> **NOTE:** Negotiated settlement agreements that merely reduce an employee's discipline, or hold all or part of the discipline in abeyance, will continue to be monitored by the Internal Affairs Bureau.

Regardless of the date of disposition or settlement, when an employee transfers to another unit, it is the responsibility of the employee's outgoing unit commander to notify the receiving unit commander of the existence and specific terms of any settlement agreement, and any work restrictions that affect the involved employee's work status. This notification shall include providing the receiving unit commander with a copy of the agreement or supporting documents. Any compliance documentation compiled to date shall also be given to the employee's new unit of assignment.

> **NOTE:** The requirement to notify the incoming unit shall be extended to cases wherein an employee is a participant in the Performance Mentoring Program. If the transferring employee has a settlement agreement, or is assigned to a Performance Mentoring Program, written notification of the employee's transfer and work status conditions (if any) shall be made to Risk Management Bureau.