

## 3-04/020.10 - Employee Relieved of Duty for Disciplinary Reasons

An employee may be relieved of duty by the unit commander or their designated representative at the direction of the unit commander (or higher) with the concurrence of the unit commander's division chief or division director, or by representatives from the Internal Affairs Bureau (IAB) when acting on behalf of the division chief, division director, or higher. The member relieving an employee of duty must make immediate notification to the employee's chief or division director and respective assistant sheriff.

### Criteria for Relieving Personnel of Duty

- Allegation(s) could result in demotion or discharge;
- Off-duty, alcohol-related incident accompanied by an aggravating factor (e.g., traffic collision, criminal misconduct, or the employee was belligerent, disrespectful, and/or uncooperative with representatives from the arresting agency);
- Driving under the influence (DUI) arrest of a sworn employee;
- Felony arrest;
- Felony charges filed;
- Workplace violence incident that justifies confiscating the employee's duty weapon and/or removing the employee from the workplace;
- Firearms seized as a result of a temporary restraining order (usually in connection with an arrest for domestic violence); and/or
- Probationary employee (allegation(s) are serious such that the employee's probationary period may need to be extended pending resolution of the investigation).

NOTE: The extension of the employee's probationary period requires written notification to Personnel Administration Bureau and the employee, who must be personally served.

If the Case Review Committee has met and concurred with a chief's recommendation to demote or discharge an employee as a result of a founded administrative investigation, the unit commander is responsible for ensuring that the employee is relieved of duty if the employee had not already been relieved of duty. In this situation, the employee shall be assigned to their residence.

Service of Letters of Intent or Imposition shall take into account if an employee is on medical leave or has a pre-approved vacation, and/or other authorized leave. If so, then that leave shall not be interrupted. However, the employee can also be relieved of duty at the same time.

See Manual of Policy and Procedures (MPP) section 3-01/040.20, regarding relieving an employee of duty in connection with a disciplinary suspension, and MPP section 5-07/270.20 regarding mandatory subpoena

compliance by personnel on suspension.

#### Assign to Home or to a Relieved of Duty Position

The decision to assign the employee to their residence or to a relieved of duty position should take into consideration the need to completely remove the employee from the workplace. The following may justify assigning the employee to their residence:

- The employee is under investigation for theft from the workplace;
- The employee poses a threat to co-workers;
- The employee could be discharged;
- The Department has knowledge the employee is involved in a criminal investigation by another law enforcement agency;
- To prevent the employee from having/retaining access to law enforcement databases; and/or
- There is a legitimate concern about witness intimidation or retaliation.

NOTE: If a division chief or division director wants to subsequently reassign a relieved of duty employee from their residence to a relieved of duty position, the division chief or division director shall first obtain the authorization from the concerned assistant sheriff.

An employee reassignment to a relieved of duty position shall not include duties working in the capacity of executive aide, unit/division operations, or coveted positions.

#### Concerned Unit's Responsibilities

IAB is responsible for monitoring the investigations of all Department employees who have been relieved of duty for disciplinary reasons.

IAB shall be promptly notified in all cases when an employee has been relieved of duty for disciplinary reasons. The employee's unit shall contact IAB telephonically as well as complete the IAB Mandatory Notification form and email it to the IAB Mandatory Notification email group.

In relieving an employee of duty, the supervisor or manager acting on behalf of the Department shall:

- Complete a Relieved of Duty Admonition and Receipt (SH-AD-392S or SH-AD-392C) in duplicate with one copy issued to the employee and one copy entered into the investigative file;
- Obtain the current home address and phone number(s) from the employee;
- Take custody of any Department identification and County firearm. They shall be distributed as follows:

- County firearm returned to the Logistics section, Sheriff's Training and Regional Services Center and a receipt obtained;
  - Uniform badge, flat badge, cap piece, and identification card returned to Personnel Administration Bureau and a receipt obtained; and
  - Portable radio returned to Communications and Fleet Management Bureau – Logistics Unit and a receipt obtained.
- Telephone IAB and provide the employee's name and unit of assignment. If a sworn employee is to be reassigned to a relieved of duty position, IAB will facilitate the issuance of a County employee identification card; and
  - Advise the employee that participating in any California Police Athletic Federation sanctioned event, Department sanctioned individual or team activity or sporting event, or engaging in physical conditioning or training at any Department facility is prohibited while on relieved of duty status.

NOTE: Personnel Administration Bureau's Time Accounting Unit shall maintain all relieved of duty (ROD) employees time until an employee returns to duty or is discharged.

The employee's unit of assignment's scheduling staff or unit time accountant shall send the employee's daily/weekly time card, indicating that the employee was placed on ROD status to Personnel Administration Bureau's Time Accounting Unit. ROD employees shall be placed on a 5/40, Monday through Friday work schedule.

ROD employees may elect to use vacation/sick leave while on ROD status, with prior approval from their unit commander. Once approved, the Absence Request form shall be attached to the employee's daily/weekly time card that is sent to Personnel Administration Bureau's ROD coordinator. The elected variance shall be deducted from the employee's leave balance for that pay period.

#### Procedure for Returning Relieved of Duty Personnel to Full Duty During an Open Investigation

The return of a relieved of duty employee to full duty during the course of an ongoing investigation requires the concurrence of the concerned assistant sheriff or the Sheriff in the following manner:

- If a division chief or division director wants to return an employee to full duty, they shall contact the concerned assistant sheriff, explain the reason(s) for the change in status, and obtain the assistant sheriff's concurrence, via memorandum; and
- IAB and the Personnel Administration Bureau's Time Accounting Unit shall be notified by the relieved of duty employee's unit commander when the relieved of duty employee has been returned to full duty. The signed concurrence memorandum from the assistant sheriff shall be forwarded to IAB.

NOTE: Employees who are relieved of duty in connection with a criminal investigation shall not be returned to full duty until the resolution of both the criminal investigation and associated administrative investigation. Any exceptions shall be approved by the concerned assistant sheriff.

Unit Commander's Responsibility for Returning Relieved of Duty Personnel to Full Duty

The items below shall be accomplished within three months, absent extenuating circumstances. The employee shall be kept on restricted duty pending the completion of these items.

When an employee is to be returned to full duty from ROD status, the unit commander is responsible for accomplishing the following:

- Completing a check of the Performance Recording and Monitoring System (PRMS) to determine if there are any pending cases;
- Ensuring all certifications are up-to-date, e.g., motorcycle qualification, continued professional training (CPT), and other Department training that may be applicable;

NOTE: Sworn Department members must obtain their firearms qualification

with immediacy upon return to full duty.

- Ensuring the employee attends patrol school if they are returning to a patrol assignment and the ROD status has exceeded five years;
- Assessing the advisability and any potential risks of returning the employee to the unit of assignment from which they were placed on ROD status, and then making a recommendation to the division chief;
- Ensuring any overdue performance evaluations are prepared for service to the employee upon their return to work, as well as verifying the status of the employee's driver's license, personal information (residence, phone numbers, vehicle information, emergency contact, beneficiary, and outside employment) and;
- Ensuring any outstanding letter of intent or imposition is timely served on the employee.

The unit commander shall personally meet with the returning employee and welcome them back to work.

The unit commander, or their designee, shall notify the employee of any pending investigations and evaluations, and shall notify the employee of their work assignment, shift, and regular days off (RDOs). When appropriate, the services of Psychological Services Bureau shall be offered.

To ensure a more comfortable transition into the field or respective unit of assignment, the unit commander shall designate a supervisor as a mentor for the returning employee for a period of six weeks to three months. The mentor/supervisor should be in a position long enough to assist the employee's transition. The mentor/supervisor shall provide copies of any changes which have taken effect during the employee's ROD

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status to the MPP, Field Operations Directives, Custody Division Manual, and any changes or updates to station/unit orders.

**ATTACHMENTS**

[Sworn Relieved of Standard Duty Admonition and Receipt SH-AD-392S](#)

[Civilian Relieved of Standard of Duty Admonition and Receipt SH-AD-392C](#)

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