



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Ben F. Johnson

**Departmental Standards Directive**

**TITLE: DISCIPLINARY PROCEDURES**  
**CODIFIED: 26.1**  
**EFFECTIVE: 10-2001**  
**RESCINDS/AMENDS: 26.1/07-1999**  
**ATTACHMENTS: 0**

**PURPOSE**

This Directive promulgates a disciplinary system which integrates the provisions of the County Merit System Rules and Regulations with the Department requirements.

**DISCUSSION**

Discipline is often thought of in a limited sense as meaning punishment or penalty, a negative connotation. However, discipline also means instructing, teaching and training. Its main purposes are to facilitate coordination of effort, develop self-control and character, and foster orderliness and efficiency. One of the primary measures of the level of discipline within a law enforcement agency is the orderliness with which it operates.

Discipline is interdependent on two other states of mind that influence behavior, those of morale and esprit de corps. All are of equal importance and each may flow from the other or each may adversely affect the others. High morale is usually accompanied by a high level of discipline and esprit de corps. Neither a high level of morale nor esprit de corps commonly accompanies a poorly administered disciplinary program. When these three occur together at a favorable level, however, efficiency will follow in direct proportion.

**POLICY**

It shall be Department policy that discipline shall be characterized as corrective rather than punitive, and that disciplinary action is but one of the elements of an overall program to educate Department employees and promote proper conduct.

**PROCEDURE**

**PROGRESSIVE DISCIPLINE**

**26.1.1** When circumstances permit, supervisors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented. A repeat of the same offense or commission of another serious offense indicates that more severe disciplinary measures should be administered. It is further provided that certain offenses are of such serious nature that dismissal upon first offense is applicable.

**CONSISTENCY**

**26.1.2** Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step. Some of the factors involved include, but are not limited to, length of service, time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitude and disciplinary actions previously administered to other comparable members or employees for similar offenses.

**APPLICATION**

**26.1.3** All Department employees are expected to abide by the policies, procedures, rules, regulations of the Department, orders of the Sheriff, whether stated in the Standards Directives or elsewhere and may be punished for any act or omission which constitutes a violation thereof.

#### **AUTHORITY**

**26.1.4** The Sheriff may, in compliance with the Merit System and employee contract, reprimand, suspend, demote or dismiss any employee of the Department for violating any provision of this manual, and nothing contained herein shall limit the right, power and authority of the Sheriff to take whatever disciplinary action is deemed appropriate under given circumstances. (CALEA 26.1.5)

**26.1.5** In recognition that each instance of misconduct differs from somewhat similar actions in many respects, the Sheriff retains the right to treat each occurrence on an individual basis.

**26.1.6** This directive provides recommended progressive penalties applicable to specific offenses. Recommended penalties may be modified by the Sheriff including a lesser or more severe penalty when extenuating circumstances are found.

#### **COUNTERMANDING DIRECTIVES**

**26.1.7** The Sheriff may, at his discretion, authorize suspension of rules, orders, procedures, or directives of the Department when necessary for covert investigations or to achieve Department objectives.

**26.1.8** Division and District Commanders may suspend or countermand a rule, order, procedure, or directive only when failure to do so would obstruct the achievement of objectives or would be otherwise adverse to the Department. In such cases, written explanation will be immediately forwarded to the Sheriff. (CALEA 26.1.5)

#### **DISCRIMINATION**

**26.1.9** Supervisors shall be guided by, and scrupulously adhere to, the provisions of the Civil Rights Act of 1964 (as amended) and the Age Discrimination in Employment Act of 1967 (as amended) as relates to safeguarding of employees from discrimination in the disciplinary process.

#### **SUPERVISOR'S GUIDE (CALEA 26.1.5)**

**26.1.10** In addition to the procedures contained herein, supervisors shall consult and be guided by the provisions of the County "DISCIPLINE AND APPEALS, A REFERENCE FOR MANAGERS AND SUPERVISORS" in the conduct of all disciplinary actions. This manual is issued under separate cover to all subordinate supervisors and commanding officers.

#### **DISCIPLINARY ACTIONS**

**26.1.11** Disciplinary action should only be taken to the extent necessary to correct the problem. Ordinarily, disciplinary action will be progressive, beginning with the least severe action that may reasonably be expected to be effective and escalating to more severe forms if necessary. There are three levels of disciplinary action.

- A. Non-punitive - Are intended to correct employee deficiencies in performance or conduct by counsel, teaching and training without conveying any negative sanctions.
- B. Non-adverse punitive actions - Are in the form of the oral or written reprimand. Both are in writing and provide formal documentation of employee behavior.
- C. Adverse punitive action - Are those actions which result in an employee suffering an involuntary loss in pay or status and are the most serious of disciplinary actions.

#### **NON-PUNITIVE DISCIPLINARY ACTION**

**26.1.12** It shall be policy to use non-punitive disciplinary measures whenever possible to resolve disciplinary problems. Many times a marginal employee can be motivated better by counseling or training rather than through punitive measures. It is the responsibility of every supervisor and commanding officer to recognize situations where non-punitive measures may be preferable to punitive disciplinary measures. (CALEA 26.1.5)

#### **COUNSELING (CALEA 26.1.4b)**

**26.1.13** Supervisors are responsible for providing appropriate counseling when there is a recognizable problem with an employee's performance or behavior. (CALEA 26.1.5)

**26.1.14** Effective counseling provided in a timely manner can avert the need for the vast majority of disciplinary actions.

**26.1.15** Supervisors must recognize situations beyond their expertise as it relates to any professional counseling that may be indicated in dealing with serious emotional problems associated with: (CALEA 26.1.5)

- Domestic difficulties (CALEA 26.1.5)
- Physical or psychological illness (CALEA 26.1.5)
- Alcohol or other substance abuse (CALEA 26.1.5)

**26.1.16** Supervisors should counsel the employee to seek professional assistance. If the employee fails to voluntarily seek help, the supervisor (with command concurrence) may require the employee to attend appropriate counseling. (CALEA 26.1.5)

**26.1.17** A second counseling for the same problem might be more suitably conducted by the first-line supervisor's division or district commander to attach an appropriate level, degree of seriousness and severity to the counseling. (CALEA 26.1.5)

#### **REMEDIAL TRAINING** (CALEA 26.1.4a)

**26.1.18** Supervisors shall provide qualified instruction to assist employees in overcoming a noted deficiency. This instruction must be appropriate and not detract excessively from other supervisory responsibilities. (CALEA 26.1.5)

**26.1.19** If the instruction required to remedy a deficiency is beyond supervisory capacities, the employee may be required to successfully complete an in-service training program. The program shall be designed to fit specific job requirements or individual needs. When possible, the Sheriff's in-service training program should be utilized.

**26.1.20** Supervisors shall document the need for remedial training. A request shall be submitted via chain of command requesting remedial training using the following criteria:

- Repeated demonstration by employee indicating the need for additional training
- Request from employee for additional training. (known deficiency)
- EVOG training after an employee has an at fault accident
- Training as a result of disciplinary action in which the employee did not adhere to policy
- Failure to qualify with firearm

**26.1.21** Should in-service training not address the specific problem or not be available in a timely fashion, employees may be required to successfully complete training by an outside source.

**26.1.22** Remedial training must be documented. Informal remedial training shall be documented in the employee's field file with formal (in-service, outside source) training also documented in the employee's Departmental and official County personnel files.

#### **NON-ADVERSE PUNITIVE ACTIONS** (CALEA 26.1.4c)

**26.1.23** If non-punitive efforts are unsuccessful in resolving the problem, then more serious corrective action is indicated. Non-adverse punitive disciplinary actions are the oral reprimand and the written reprimand.

#### **ORAL REPRIMAND**

**26.1.24** Whenever grounds for disciplinary action exist and the supervisor determines that the incident, action or employee behavior is such that more severe disciplinary action is not immediately necessary, the supervisor should orally communicate to the employee the supervisor's observation of the problem and offer assistance in correcting the situation. (CALEA 26.1.5)

**26.1.25** When an oral reprimand is given, the supervisor should ensure that the employee's Departmental Personnel files are posted to show the date and nature of the reprimand. The employee should be advised that the reprimand will be documented in the files and the employee may submit comment(s) for inclusion in the files.

**26.1.26** This is the only punitive action not requiring documentation in the employee's official personnel file maintained by the County Personnel Director.

**26.1.27** Depending on the circumstances or seriousness of the offense, normally no more than two (2) oral reprimands should be given to an employee for the same type of offense, after which a more severe type of

disciplinary action should be taken. Whenever possible, however, sufficient time for improvement should be allowed before further and/or more severe action is taken.

**26.1.28** The EMPLOYEE PERFORMANCE NOTICE shall be utilized for documenting the Oral Reprimand.

#### **WRITTEN REPRIMAND**

**26.1.29** When the supervisor determines that a written reprimand is appropriate and necessary, the reprimand shall be addressed to the employee in the form and format specified in DISCIPLINE AND APPEALS, A REFERENCE FOR MANAGERS AND SUPERVISORS. It shall include the charge, the specific behavior and the dates of the behavior (where appropriate), the supportive charge, the warning that continuance of this behavior will result in more severe disciplinary action, an offer of assistance in correcting the behavior, circumstances affecting the severity of the discipline, and advice on right of appeal through the grievance procedure. (CALEA 26.1.5)

**26.1.30** A signed copy of the reprimand shall be included in the employee's official personnel file in the County Personnel Office, and the employee shall have the opportunity to submit written comments to be included in the file.

#### **ADVERSE PUNITIVE ACTIONS** (CALEA 26.1.4c)

**26.1.31** Adverse punitive actions are actions wherein the employee suffers an involuntary reduction in pay or status. All adverse actions require the Sheriff obtain concurrence from the County Legal and Personnel Departments. (CALEA 26.1.5)

#### **ADVANCE NOTICE REQUIRED**

**26.1.32** Having obtained the required concurrence, the Sheriff shall provide an employee with a written NOTICE OF INTENT describing the charge and its effective date at least three (3) working days in advance of the proposed effective date of any adverse action.

**26.1.33** The statement of charges shall fully explain the reasons for the proposed action. The Notice shall also fully explain the employee's right to respond to the charges within three (3) working days after receipt of the Notice.

#### **NOTICE OF FINAL ACTION**

**26.1.34** If there is no response or the response is inadequate to alter the proposed action, the Sheriff shall provide a Notice of Final Action, which shall include advice on the employee's right to appeal and proceed with the action.

#### **PERSONNEL ACTION FORM**

**26.1.35** After ten (10) working days or following the appeals process (Directive 25.1) for adverse action, a County of Volusia Personnel Action Form shall be prepared finalizing the action.

**A.** Dismissal of an employee requires the inclusion of the following written statements: (CALEA 26.1.7a,b,c)

- A statement citing the reasons for the dismissal (CALEA 26.1.7a,b)
- The effective date of the dismissal, and
- A statement of the status of any retirement or fringe benefits the employee may be eligible for after dismissal (CALEA 26.1.7c)

**26.1.36** Adverse punitive actions in order of increasing severity are:

1. **Suspensions**
2. **Suspensions without pay**
3. **Reduction in pay**
4. **Demotion**
5. **Dismissal**

#### **SUSPENSIONS**

**B. Suspension Without Pay** - Suspension without pay is an adverse action, and while it may be recommended by the supervisor, only the Sheriff, with the concurrence of the County Legal and Personnel Departments, may institute such an action. The Sheriff is required to give written notice in accordance with the provisions of this Directive. Employees may be suspended without pay in the following situations: (CALEA 26.1.5)

**C. Investigation** - Whenever the Sheriff has reason to believe that an employee may have committed a serious violation or offense, but sufficient evidence is not yet available to make a proper evaluation and determination of

appropriate final action, the Sheriff may suspend an employee for up to seven (7) calendar days pending investigation.

**D. Disciplinary Action** - When the Sheriff determines that suspension is an appropriate corrective action for a violation, an employee may be suspended for up to thirty (30) calendar days. Ordinarily, an initial suspension for a particular offense will not exceed three (3) to five (5) work days, depending on the seriousness of the offense. A thirty (30) day suspension would normally be imposed only for the most serious and flagrant of offenses, or as the last in a series of progressively more severe suspensions.

**E. Misdemeanor or Felony** - When an employee has been charged with a crime classified as a misdemeanor or felony, the Sheriff shall review the nature of the employee's offense, make a determination of the crime impact on the ability to perform the employee's duties in a satisfactory manner, and if appropriate, suspend the employee until disposition of the charge or charges.

#### **SUSPENSION WITH PAY**

**26.1.37** In certain circumstances, the Sheriff may determine that although a suspension without pay may not be appropriate, it may be necessary to relieve an employee of their duties and remove them from the work site. In such a case, a suspension with pay may be given the employee for up to five (5) work days.

#### **SUSPENSIONS IN EXCESS OF THIRTY DAYS**

**26.1.38** The County Manager, on the recommendation of the Personnel Board, may authorize a disciplinary suspension in excess of thirty (30) calendar days, but in no case shall such suspension exceed ninety (90) calendar days.

#### **EMERGENCY SUSPENSION**

**26.1.39** If an emergency exists which makes immediate suspension of an employee necessary before concurrence can be obtained, to preserve the health and safety of the employee or others, or to continue vital services to the public, or to continue a County function without serious disruption, a supervisor may immediately suspend an employee for a period of time not to exceed one (1) day with pay. (CALEA 26.1.5)

**26.1.40** Supervisors exercising this option must report the emergency suspension in writing through channels to the Sheriff for concurrence as soon as possible and practical. The report shall also contain the disciplinary action (if applicable) recommended by the supervisor. Circumstances that may justify an emergency suspension are:

**F. Insubordination** - When the employee is or has been insubordinate and when such insubordination may cause immediate problems

**G. Unfit for duty** - When the employee has reported for duty under the influence of an intoxicant and/or drug, or consumes an intoxicant and/or drug while on duty (except for prescribed medications taken under the direction of a physician), or when the employee's physical or mental faculties are so impaired as to create an unsafe condition for whatever reason

**H. Criminal Act** - Whenever there is probable cause to believe the employee was/is involved in a criminal act

#### **SUSPENSION AFTER USE OF DEADLY FORCE**

**26.1.41** In every instance in which a Deputy uses deadly force which results in death or great bodily injury to another person, the Deputy will be immediately relieved of normal duties in order that the personal and emotional needs of the Deputy be addressed and all facts surrounding the incident verified. A minimum period of three (3) days off will apply in all cases. Extended time off shall be at the discretion of the Sheriff.

#### **EMPLOYEE UNDER SUSPENSION**

**26.1.42** An employee under suspension may be required to surrender their badge, ID card, issue weapon(s) and Department vehicle. The employee may not wear the uniform or perform the duties of their position while under suspension.

**26.1.43** The date that the suspension will be taken will be determined by the District or Division Commander. Care shall be taken to avoid scheduling the suspension during a pay period that includes a holiday. Any exceptions must be approved by the Chief Deputy or Sheriff.

**26.1.44** The suspended employee is prohibited from working any overtime during the pay period. Both departmental and outside detail extra-duty overtime are prohibited. If a significant emergency arises which requires maximum

operational manpower, District and Division Commanders have the authority to recall a suspended employee to active duty.

**26.1.45** Employees will not work an alternative shift at straight time pay in order to circumvent the intent of a suspension. For example, a suspended Deputy who normally works Alpha shift will not be allowed to fill in on a Bravo shift to make up his time. A suspension covers the entire 24-hour period of the day assigned. A suspended employee shall not work any shift other than his normally assigned duties. At the end of the pay period, the employee's time card must reflect the normal work period less the scheduled suspension time. It remains the employee's responsibility to notify anyone scheduling work details or overtime that they are under a suspension and not eligible to work.

#### **RESTORATION TO ACTIVE DUTY**

**26.1.46** At the end of the prescribed period of suspension, the employee shall be returned to active duty at their previous salary rate unless other disciplinary action affecting the position and/or salary has been taken. If the suspension has been found to be inappropriate or too severe, the employee shall be given back pay for all or part of the suspension period.

**26.1.47** An employee under an emergency suspension should return to work at their next regularly scheduled tour of duty unless otherwise instructed by their supervisor. (CALEA 26.1.5)

#### **REDUCTION IN PAY (CALEA 26.1.5)**

**26.1.48** Reducing an employee's pay within grade to correct a problem concerning performance or conduct can be an effective disciplinary action. Whenever the Sheriff determines that it is appropriate to the circumstances, an employee's pay may be reduced in order to influence an employee to improve performance or behavior.

#### **DEMOTION**

**26.1.49** Demotions are an extremely serious disciplinary action and usually confined to situations where the employee's performance is below the minimum requirements for the job. Upon review of the facts surrounding a given situation, the Sheriff may determine that demotion of an employee to a position in a lower pay grade is warranted and proper in an attempt to correct the situation.

#### **DISMISSAL**

**26.1.50** Dismissal is the most severe disciplinary action that can be taken against an employee since it normally means the permanent removal from Departmental service. An employee may be dismissed when all reasonable attempts at corrective action have been ineffectual, or when the seriousness of, and the circumstances surrounding, the offense leave dismissal as the only feasible alternative.

### **SUPERVISORY RESPONSIBILITIES, INVESTIGATIONS, AUTHORITY AND ACCOUNTABILITY**

**26.1.51** First-line supervisors are crucial to the disciplinary process. They have the best opportunity to observe the conduct and appearance of employees in their charge and detect those instances when disciplinary actions are warranted. (CALEA 26.1.5)

#### **RESPONSIBILITIES (CALEA 26.1.5)**

**26.1.52** Supervisors are responsible for, and have the duty to counsel, train, initiate punitive actions and conduct investigations into allegations of misconduct involving employees under their immediate command.

#### **INVESTIGATIONS**

**26.1.53** Supervisors are responsible for initiating a prompt investigation into any and all complaints of misconduct by their employees and conducting full investigations into allegations of employee misconduct that may include, but are not limited to: (CALEA 26.1.5)

- Minor violations of policy and procedure (CALEA 26.1.5)
- Allegations of rudeness to citizens (CALEA 26.1.5)
- Insubordination (CALEA 26.1.5)
- Tardiness or dilatory behavior (CALEA 26.1.5)

**26.1.54** Supervisors must be acutely aware of, and explicitly follow, the provisions of Directive 52.1 in conducting these investigations to ensure their actions are timely, reasonable, consistent and legal.

**26.1.55** Directive 52.1 governs the "conclusion of fact" for each allegation of misconduct. To ensure all participants in the process are properly informed, and identify the need for change in Departmental Standards which relate to policy change procedures or training to minimize or prevent future occurrences of misconduct, each investigation must be concluded as:

- **Exonerated** - The allegation was true, but was the result of adherence to proper and appropriate police procedures and techniques under the circumstances.
- **Not Sustained** - The investigation discloses insufficient evidence to clearly prove or disprove the allegation.
- **Policy failure** - The departmental policy or procedure does not properly address the allegation or procedure, which led to the conduct as alleged, and the investigation reveals policy or procedural changes are recommended.
- **Sustained** - The investigation discloses that the accused employee has committed all or a substantial part of the alleged act (s) or improper conduct.
- **Unfounded** - No basis for the allegation, or the employee acted properly under the circumstances.

#### **DISCIPLINARY AUTHORITY** (CALEA 26.1.5)

**26.1.56** Supervisors may issue oral reprimands, written reprimands and make emergency suspensions (with pay) under the provisions of this Directive.

**26.1.57** Supervisors may make recommendations for more serious forms of discipline and may require an employee to obtain professional counseling and/or formal remedial training with concurrence of their Division Commander.

#### **ACCOUNTABILITY**

**26.1.58** Failure of a supervisor to take proper disciplinary action when necessary is considered neglect of duty and will itself be subject to disciplinary action against the supervisor.

#### **OFFENSE CLASSIFICATION**

**26.1.59** Violations of policy, procedure, rule or regulation shall be grouped according to the nature of the offense and classified as:

- **Neglect of Duty Offenses**
- **Improper Conduct Offenses**
- **Insubordination Offenses**
- **Unlawful Conduct Offenses**
- **Job Knowledge and Performance**

#### **DISCIPLINARY VARIANCE**

**26.1.60** For each violation, consideration will be given to the severity of the misconduct and the factors listed in this directive. In each case where the recommended disciplinary action is modified, the reasons for such modification will be noted.

#### **ENHANCED PENALTIES**

**26.1.61** Repeat offenses shall generate progressively increased penalties.

- A.** Recurrence of the same offense for which less than a two day suspension was received may be punishable by suspension of up to 5 days.
- B.** The third occurrence of such offense may be punishable by suspension of up to 15 days.
- C.** The fourth occurrence of such offense shall be cause for up to dismissal.
- D.** Recurrence of the same offense punishable by up to a five day suspension shall be punishable by up to a 15 day suspension.
- E.** The third occurrence of such offense shall be cause up to dismissal.
- F.** Recurrence of the same offense punishable by suspension of up to 15 days shall be cause for up to dismissal.

#### **TIME CONSIDERATION**

**26.1.62** For the purpose of progressive discipline, offenses normally punishable by reprimand or one day suspension shall be considered as repeat offenses ONLY when such repetition occurs within six months of the most recent offense.

**26.1.63** Offenses normally punishable by two or more days' suspension shall be considered as repeat offenses ONLY when such repetition occurs within two years of the most recent offense.

**DISCIPLINARY RECORDS AND DOCUMENTATION** (CALEA 26.1.8)

**26.1.64** Supervisors and commanding officers are responsible for the proper recording and/or documentation of disciplinary actions. There are three (3) files wherein disciplinary action may be documented on an employee:

- G. Field Record** - All supervisors shall maintain a work history on each employee. This file is informal and intended to serve as a repository for information essential in providing a thorough supervisory knowledge of the employee. It shall contain notes and other documentation of employee behavior and/or performance to provide an accurate basis for employee performance evaluations, recognition of merit or progressive disciplinary actions. The file is transferred with the employee when assigned a new supervisor. Information retention in this file is subject to the provisions of the State of Florida General Records Schedule for Law Enforcement Records.
- H. Internal Affairs File** - This file is maintained for the Sheriff by Internal Affairs. This record consists of, but is not limited to, cases investigated that allege employee misconduct and/or violate Department directive. It is maintained by Internal Affairs, and records retention shall be in accordance with the State of Florida General Records Schedule for Law Enforcement Records. Records of all punitive disciplinary actions and those non-punitive actions as may relate to formal counseling or training are included in this file. Records retention as relates to disciplinary actions shall be retained in this file in accordance with the State of Florida General Records Schedule for Law Enforcement Records.
- I. Official Personnel Files** - The County Personnel Department and the Human Resources Unit maintains the employee's official (master) Personnel Files. It shall contain documentation of all punitive actions except oral reprimands. This file must be retained fifty (50) years after separation or termination of employment, pursuant to the provisions of the State of Florida General Records Schedule for Law Enforcement Records.

**DOCUMENTATION PROCEDURE** (CALEA 26.1.8)

**26.1.65** First line supervisors shall have the authority to take two (2) types of disciplinary action. That action shall be the Employee Performance Notice and A Letter of Reprimand.

**26.1.66** Supervisors shall call Internal Affairs at their earliest opportunity to inquire about previous disciplinary actions of misconduct. An Internal Affairs tracking number shall be issued at that time.

**26.1.67** After the appropriate form is completed and signed, by both the supervisor and the employee, the following routing procedures shall be followed:

- J.** The employee is given their copy of the form.
- K.** The rest of the copies are forwarded through the chain of command. As the form reaches each level, the appropriate supervisor shall initial the form and remove their copy for filing.
- L.** The final copy continues to the Sheriff for his review. The Sheriff then forwards a copy to Internal Affairs for filing.
- M.** The Disciplinary action taken on the forms shall not be modified in severity. If the reviewing supervisor determines that the disciplinary action chosen was inappropriate for any reason, alternative counseling and/or training will be directed at the supervisor issuing the action.

**26.1.68** Disciplinary action may only be modified by the Sheriff.

**APPEALS** (CALEA 26.1.6)

**26.1.69** Because reductions in pay, demotions, suspensions and dismissals are employer actions which have such a serious adverse effect upon the lives of employees, and because such adverse actions are normally not effectively appealable within the regular administrative structure, special channels and procedures have been established to insure equity to employees involved in such actions.

**PROCEDURAL DUE PROCESS**

**26.1.70** Whenever the Sheriff proposes and/or takes an action that severely affects an employee's employment status (Adverse Action), the Sheriff shall afford the employee procedural due process. Procedural due process shall include:

- N.** A written statement of the reasons for a proposed action (Notice of Intent) and an opportunity to reply before an action is taken.



- O. Notification of the action taken (Notice of Final Action), the reasons for the action stated in sufficient detail for a full and complete understanding, the right to appeal and the manner in which the appeal may be initiated.
- P. An impartial hearing officer or board
- Q. The right to representation, including legal counsel
- R. Fair rules of evidence
- S. The right to confront and cross-examine witnesses

**26.1.71** The County Personnel Board has been created to hear appeals arising from adverse action situations, illegal discrimination allegations and classifications and examination decisions.

**ADVERSE ACTION**

**26.1.72** Adverse actions are those actions taken by the Sheriff for disciplinary reasons which result in an employee involuntarily suffering a loss in pay or status. Such actions include reduction in salary rate, demotion, suspension and dismissal and require concurrence of the County Legal and Personnel Departments. Placement of an employee on leave without pay status (or a charge against annual leave in lieu of suspension) as a disciplinary measure may also be considered an adverse action.

**26.1.73** Demotions resulting from organizational changes, reductions in force because of lack of funds, rejections of probation, classification studies and the voluntary initiative of an employee are not adverse actions for disciplinary reasons and are not appealable to the Personnel Board as such.

**26.1.74** Separations during the probationary period for original entrance appointments are not appealable to the Personnel Board.

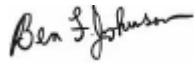
**26.1.75** Adverse actions may be appealed to the Personnel Board as provided in Directive 25.1.

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**Revised by:** 6620

**Revised on:** 07-11-2001

**Approved:**



**Ben F. Johnson**  
**Sheriff, Volusia County**