	Winchester City Sheriff's Office Manual of General Orders Personnel 206	Effective Date: May 1, 2014 Accreditation Standards: PER .09.01 PER .09.05 PER .09.02 PER .11.01 PER .09.03 PER .03.06 PER .09.04
		Original Policy: May 1, 2014 Last Review Date: May 1, 2020 Next Review Date: May 1, 2023
Subject: Disciplinary and Commendation		By Authority of: <hr/> Les R Taylor, Sheriff

Effective /Review Date	Sections Changed	Changes	Reviewed by	Approved by
09-01-15	VI	Changed, "The Sheriff agrees to allow Sheriff's Office appointees to participate in the Winchester City grievance procedures outlined in the Winchester City Appointee Handbook." To "The Sheriff does not participate in the Winchester City grievance procedures."	EAS	LRT
01-31-17	VII	Replaced, "maintains a physical fitness room in the Joint Judicial Center and encourages its appointees to utilize this benefit regularly" with " has arranged for free health club memberships at Body Renew Fitness for all Deputies."	EAS	LRT
10-01-19	VII	Changed, "To this end, the Sheriff's Office has arranged for free health club memberships at Body Renew Fitness for all deputies." To "To this end, the Sheriff's Office has arranged for free health club memberships and a fitness area in the joint judicial center for all deputies."	EAS	LRT
03-10-20	VII	Changed, "free" to "a discounted".	EAS	LRT

I. PURPOSE

The purpose of this order is to establish the procedures for informal and formal disciplinary practices within the Sheriff's Office and encourage appointees to maintain a physically fit lifestyle.

II. POLICY

It is the Sheriff's Office's policy to impose disciplinary action fairly and impartially and to offer adequate appeal procedures to ensure that the rights of appointees are protected.

Discipline is a process of imposing formal sanctions, which will help train or develop an appointee, preferably through constructive rather than punitive measures. Discipline in the Sheriff's Office involves reward of appointees, training, counseling, and as a last resort, punitive action.

III. DEFINITIONS

A. Day: The term "day," as used herein, shall mean a calendar day 24 four hours in length.

- B. Relief from duty: An immediate administrative action by a superior appointee, whereby a subordinate appointee is temporarily relieved from performing his/her duties.
- C. Discipline: A method of training or developing an appointee by proper supervision and instruction. Discipline may be positive (awards) or negative (punishment).
- D. Suspension: An action that requires an appointee to take unpaid leave from their duties. Suspension shall occur in day increments.

IV. PROCEDURES

A. Positive discipline/Commendations

Positive discipline is oriented toward seeking voluntary compliance with established policies, procedures, and orders. Methods of positive discipline include:

1. Recognition of excellent job performance through rewards and awards.
 - a. When positive feedback concerning an appointee's performance is received from people outside the Sheriff's Office (letters, newspaper articles, etc.), the person who receives the information shall document the information and submit the information to the appointee's supervisor. The supervisor shall forward a copy to the Administrative Assistant for inclusive in the appointee's personal file.
 - b. Truly exceptional acts should be clearly and promptly identified to the Sheriff. Such acts may be the basis for special awards, letters of commendation, administrative leave, or for special recognition by citizen-community groups or media coverage.
 - a. Discussion and Counseling
 - b. Training and Instruction

B. Consistency in discipline

The Sheriff's Office abides by the philosophy that discipline must be applied consistently and uniformly.

1. The Sheriff's Office does not provide appointees with lists of specifically prohibited behavior or conduct, because lists are not all-inclusive. Appointees are expected to have a reasonable perception of what constitutes proper behavior, based on criminal codes, Sheriff's Office training, the code of ethics, the Sheriff's Office values statement, the Sheriff's Office mission statement, and the observance of the behavior of other appointees generally.
2. All levels of supervision are responsible for maintaining discipline. First line supervisors provide counseling and train appointees on a continuous basis in the field, whereas, mid-level supervisors and command staff provide direction to appointees through directives, memorandums, and policy. Each level of supervision may be involved in any level of discipline.

C. Relief from Duty

In the event an appointee is relieved from duty for physical, psychological, or administrative reasons, the supervisor will follow the procedure outlined below:

1. The supervisor must promptly report such action to the Sheriff accompanied by a written report setting forth details and circumstances. The Sheriff shall be made aware of any such action in a timely fashion.
2. Relief from duty for physical, physiological, or administrative reasons is not considered a disciplinary action.

D. Documented Oral Counseling

Oral counseling, while informal, requires documentation with an appointee's acknowledgment of such record. The following steps shall be observed:

1. At the time of an oral counseling, the appointee receiving it shall be counseled as to the correct behavior, and further advised a written record shall be maintained concerning the counseling, and that the appointee may read the record.
2. The appointee shall be further advised that he/she has the right to file a statement setting forth his or her position, in case of disagreement within (7) seven days of the counseling. The appointee shall sign the form at the time of receipt, even though they have not submitted a response.
3. The counseling supervisor shall record the counseling on a Documentation of Counseling form.
4. The form shall become part of the appointee's personnel file, but the appointee may submit a letter to the Sheriff requesting removal of the counseling form (1) one year after the incident, provided no further disciplinary action has occurred. Accumulation of three oral counseling's in one year may result in a written reprimand or suspension, depending on the circumstances.
5. The appointee is required to acknowledge the counseling by signing the form. Oral counseling cannot be appealed since it is not a true disciplinary action.
6. The oral counseling may involve remedial training. Such training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance of in-service classes, review of policy, or other training specially created to accomplish the Sheriff's Office recommended appointee actions to correct or modify behavior. Remedial training is reasonably offered until the appointee can demonstrate proficiency in the corrected behavior. All training shall be documented.
7. First line supervisors are expected to counsel appointees regularly. Most counseling is informal, positive, supportive, and undocumented. Supervisors may keep written notes to aid in evaluations and justifying the basis for progressive discipline.
 - a. First line supervisors are responsible for counseling appointees concerning job-related matters within their capabilities. Many things can affect the job and an appointee's performance; so job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions, specifically what was done wrong, what the desired or acceptable performance is. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem.
 - b. A variety of counseling resources are available within the community including psychological, family, marital, and financial counseling. Appointees should be encouraged to

contact the Winchester City Appointee Assistance Program if they are in need of counseling, or desiring information about available resources, or may be encouraged to talk with the Sheriff. The Sheriff's Office recognizes that no stigma is attached to seeking professional counseling to solve problems.

E. Written Reprimand

A written reprimand, issued by the Sheriff or his designee, cautions an appointee about poor behavior, sets forth the corrected or modified behavior mandated by the Sheriff's Office, and specifies the penalty in case of recurrent poor behavior. A written reprimand becomes a permanent part of the appointee's personnel record.

1. An appointee may appeal a written reprimand in writing within (10) ten days of its receipt to the Sheriff. Depending on the seriousness of the complaint, the Sheriff may do one of the following: have the complaint reviewed by a Command Staff member, convene a review board, or the Sheriff may review the case. If the Sheriff sustains the action, then the appointee may use Winchester City's grievance procedures.

F. Demotion/Probation

If the situation warrants, the Sheriff, may demote an appointee or place an appointee on six months or one-year probation.

G. Suspension/Reduction in Pay

If the situation warrants, the Sheriff may suspend an appointee without pay or reduce an appointee's salary.

H. Dismissal

If the situation warrants, the Sheriff may dismiss an appointee.

- I. Except oral counseling, all of the above disciplinary actions may be grieved according to the Winchester City's grievance procedures.
- J. The Administrative Assistant shall maintain all records of disciplinary action, except oral counseling, in the appointee's personnel file in the secure file room in the Administrative Suite.

V. INFRACTIONS AND PUNISHMENTS

- A. Except for gross breaches of discipline, supervisors should attempt to begin appointee discipline with the least punitive measures. If these do not work, then increasingly more severe measures may be required. While this process may take some time, it is important that each appointee be dealt with justly and in a manner, which clearly indicates that positive, constructive measures to change behavior or performance preceded the imposition of more negative sanctions. Supervisors shall document all disciplinary actions.

B. Appointees on Probation

Appointees on probation may be dismissed, suspended, or otherwise disciplined according to the foregoing. The only difference is that an appointee on probation will not be afforded an appeal procedure.

1. In the case of a dismissed appointee on probation the official record will merely indicate that the person was dismissed during employment training.

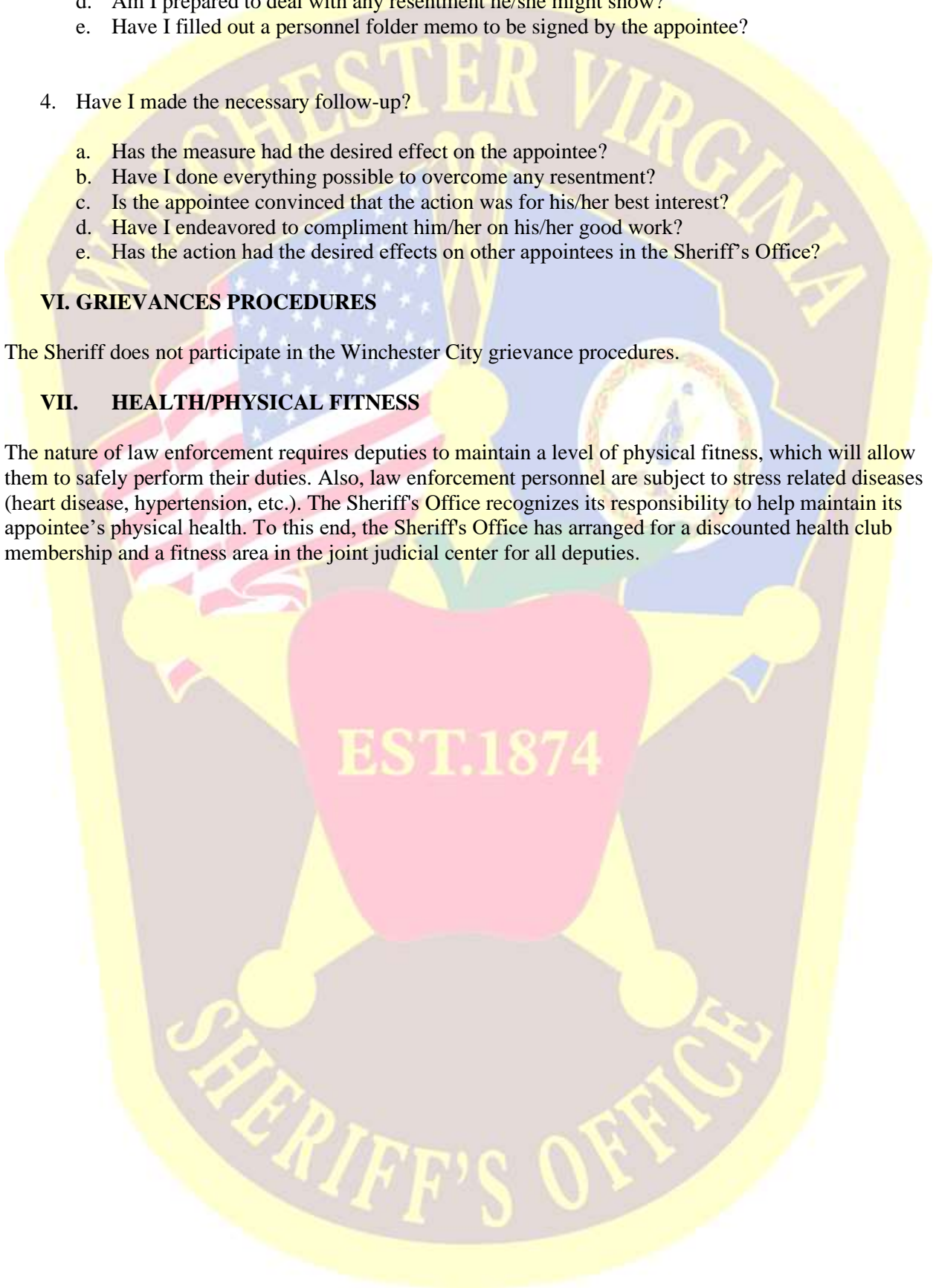
C. Sexual Harassment and Other Discrimination

Appointees found to have engaged in discrimination on the basis of race, color, religion, national origin, political affiliation, handicap, age, or sex (including sexual harassment) may be subject to an internal affairs investigation and may receive disciplinary action as described above.

D. Discipline Checklist:

Supervisor should use the following checklist, from the Management Kit of the American Management Association, to help analyze appointee conduct and misbehavior.

1. Have I secured the necessary facts?
 - a. Did the appointee have an opportunity to fully tell his/her side of the story?
 - b. Did I check with the appointee's immediate supervisor?
 - c. Did I investigate all other sources of information?
 - d. Did I hold my interview privately in order to avoid embarrassing the interested appointee or appointees?
 - e. Did I exert every possible effort to verify the information?
 - f. Did I check the appointee's personnel folder to look at his/her past record?
 2. Have I considered all the facts in deciding upon the disciplinary measure?
 - a. Have I found out what has been done in similar cases in the Sheriff's Office?
 - b. Have I found out what has been done in similar cases in other Sheriff's Offices?
 - c. Have I shown any discrimination toward an individual or group?
 - d. Have I let personalities affect my decision?
 - e. Does the measure fit the violation?
 - f. Will the measure prevent a recurrence?
 - g. Will the measure maintain morale?
 - h. Will the measure encourage the appointee's initiative?
 - i. Will the measure create a desire on the part of the appointee to do what is right?
 - j. Have I checked this decision with my immediate supervisor?
 3. Have I administered the corrective measure in the proper manner?
 - a. Did I consider whether it should be done individually or collectively?
 - b. Am I prepared to explain to the appointee why the action is necessary?
- (1) The effect of the violation on the Sheriff's Office, fellow appointees, and himself/herself?
- (2) To help him/her improve his/her efficiency and also that of the Sheriff's Office?

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- The background of the page features a large, semi-transparent watermark of the Winchester Virginia Sheriff's Office badge. The badge is shield-shaped with a yellow border. At the top, it says 'WINCHESTER VIRGINIA' in a yellow arc. In the center, there is a red shield with 'EST. 1874' in yellow. Below the shield, it says 'SHERIFF'S OFFICE' in a yellow arc. The background of the badge includes a blue field with a white star, a green field with a white figure, and a red field with a white figure. There are also yellow and blue decorative elements.
- c. Am I prepared to tell him/her how he/she could prevent a similar offense in the future?
 - d. Am I prepared to deal with any resentment he/she might show?
 - e. Have I filled out a personnel folder memo to be signed by the appointee?
4. Have I made the necessary follow-up?
- a. Has the measure had the desired effect on the appointee?
 - b. Have I done everything possible to overcome any resentment?
 - c. Is the appointee convinced that the action was for his/her best interest?
 - d. Have I endeavored to compliment him/her on his/her good work?
 - e. Has the action had the desired effects on other appointees in the Sheriff's Office?

VI. GRIEVANCES PROCEDURES

The Sheriff does not participate in the Winchester City grievance procedures.

VII. HEALTH/PHYSICAL FITNESS

The nature of law enforcement requires deputies to maintain a level of physical fitness, which will allow them to safely perform their duties. Also, law enforcement personnel are subject to stress related diseases (heart disease, hypertension, etc.). The Sheriff's Office recognizes its responsibility to help maintain its appointee's physical health. To this end, the Sheriff's Office has arranged for a discounted health club membership and a fitness area in the joint judicial center for all deputies.