

CHAPTER: 600

Inspector General

DEPARTMENT ORDER:

601 – Internal Affairs Investigations and
Employee Discipline

OFFICE OF PRIMARY
RESPONSIBILITY:

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Department Order Manual

A handwritten signature in black ink, appearing to read "Ryan Thornell".

Ryan Thornell, Director

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PURPOSE

This Department Order (DO) establishes procedures for conducting investigations of allegations of misconduct by employees; for temporary reassignment of an employee during the investigation; and for review and disposition of completed investigations by approving authorities. In furtherance of the Department's guiding principles and code of ethics, this DO also establishes a standardized and consistent approach to address and correct unacceptable employee behavior and/or performance.

APPLICABILITY

This DO does not create a contract for employment between any employee and the Department. Nothing in this DO changes the fact that all uncovered employees of the Department are at-will employees and serve at the pleasure of the appointing authority. This DO applies to all Department staff.

This DO is not applicable to private prison facilities. The employee disciplinary process for private prison facilities are governed by their established corporate policy and pursuant to contractual requirements.

PROCEDURES

1.0 GENERAL RESPONSIBILITIES

- 1.1 Misconduct issues shall be addressed as outlined in this DO. The processes by which facts are identified and evidence is established are the investigative procedures outlined in this DO.
 - 1.1.1 Supervisors shall address minor staff performance issues as outlined in DO #514, Managing Accountability and Performance (MAP).
 - 1.1.2 Continued incidents of similar minor performance issues may lead to progressive administrative discipline as outlined in this DO.
- 1.2 The Internal Affairs (IA) Supervisor shall immediately open an investigation without referral for staff arrests or when a criminal citation, complaint, information, or indictment is issued to staff. The IA Supervisor shall also immediately open an investigation without referral for inmate suicides, unattended deaths of inmates, inmate escapes, and homicides involving inmates. In the event an IA investigation without referral indicates a staff member(s) as a potential principal(s), the Warden, Deputy Warden, or Bureau Administrator shall issue the staff member(s) an Administrative Inquiry, Form 601-1, as outlined in this DO. The corresponding case number issued on the IA investigative report shall be used on the Administrative Inquiry form. IA investigations may be delayed if a criminal investigation is also required.
 - 1.2.1 All other investigations must be requested by the Warden, Deputy Warden, or Bureau Administrator as set forth below.
 - 1.2.2 The IA Supervisor shall notify the Deputy Director, Assistant Directors, Deputy Assistant Directors, Wardens, Deputy Wardens, and/or Administrators of investigations occurring in their area of supervision.
- 1.3 Employee discipline may be imposed after an Administrative Inquiry, Form 601-1, has been issued and responded to by the employee or when the employee has admitted to the allegations on an Information Report, Form 105-2.

- 1.3.1 An IA investigation need not be conducted when sufficient facts are known, admitted to, or otherwise not in dispute based upon the information contained in the Administrative Inquiry form.
- 1.3.2 Wardens or Bureau Administrators shall track all Administrative Inquiries for their institution or bureau.
- 1.4 Wardens, Administrators, and Bureau Administrators:
 - 1.4.1 Shall request a case number from their complex Administration or IA and ensure it is referenced on the Administrative Inquiry, Form 601-1, prior to the employee being served.
 - 1.4.2 Shall use the Administrative Inquiry, Form 601-1, and the employee response to determine if an IA investigation should be initiated.
 - 1.4.3 Need not initiate an IA investigation when sufficient facts are known, admitted to, or otherwise not in dispute based upon the information contained in the Administrative Inquiry, Form 601-1. The Administrative Inquiry form, page four, shall state the reason an investigation was not warranted.
 - 1.4.4 Shall appoint a staff member to track all Administrative Inquires for their institution or bureau.
 - 1.4.5 Shall be the primary point of contact for the IA Supervisor or designee.
- 1.5 All employees are expected to respond fully and truthfully throughout any investigative process. If it is determined that an employee was dishonest during an investigative process, sanctions shall be aggravated as outlined in Attachment B.
- 1.6 Employees shall report all contact with law enforcement agencies to their immediate supervisor as required by DO #501, Employee Professionalism, Ethics and Conduct.

2.0 MISTAKE OR MISCONDUCT

- 2.1 Incidents that are required to be reported shall be conveyed and documented by the employee with knowledge of such acts, in accordance with DO #105, Information Reporting, DO #501, Employee Professionalism, Ethics and Conduct, and DO #527, Employment Discrimination and Harassment. The Administrator shall review the report within seven calendar days (excluding holidays) and determine if the act in question was a mistake or if it constitutes misconduct, which may warrant further action. When possible, determination of mistake vs. misconduct shall be made prior to the issuance of an Administrative Inquiry.
- 2.2 If the incident in question is determined to be:
 - 2.2.1 Mistake – The incident shall be regarded as unintentional and the procedures outlined in DO #514, Managing Accountability and Performance (MAP) shall be followed.
 - 2.2.1.1 Determinations of mistake shall be addressed at the institution/bureau level in the best interest of the institution/bureau and employee.

2.2.1.2 The use of a letter of instruction or other coaching training methods may be used.

2.2.2 Misconduct – The Warden or Administrator shall initiate an Administrative Inquiry as outlined in this DO. Upon receipt of the employee’s response, the Approving Authority may request further investigation, render findings, issue discipline, or determine the allegations to be unfounded, non-sustained, or exonerated.

2.2.2.1 Acts of misconduct that warrant a suspension shall be elevated through the proper chain of command and to the appropriate Assistant Director for approval.

2.2.2.2 When appropriate, suspensions shall include a corrective measure plan to ensure the employee is provided specific guidance on expected conduct relative to the suspension.

3.0 FACT-FINDING INTERVIEWS – An administrative fact finding is preliminary questioning to determine the scope of the allegations or whether an investigation is necessary. An administrative fact-finding shall not result in any disciplinary action against an employee, but may result in the initiation of an Administrative Inquiry. A.R.S. §38-1104(C)(2) and A.R.S. §38-1104(E)

3.1 The Director, Deputy Director, Assistant Directors, or Deputy Assistant Directors may request an administrative fact-finding for their respective area of responsibility through the Inspector General.

3.1.1 If the Inspector General determines that an administrative fact-finding is warranted, the Inspector General shall initiate a fact-finding through IA. The Inspector General shall be the Approving Authority for all administrative fact-findings.

3.2 Administrative Fact-Finding Report

3.2.1 IA shall provide a written administrative fact-finding report to the Inspector General within 60 calendar days of initiating an administrative fact-finding case number.

3.2.2 The Inspector General shall review the administrative fact-finding report and provide the completed report to the requesting Director, Deputy Director, or Assistant Directors for review and determination of the need for further action.

4.0 ADMINISTRATIVE INQUIRY FORM – The Administrative Inquiry, Form 601-1, represents the beginning of the factual discovery process. Through the issuance of this form with a corresponding case number, allegations are made known to an employee and the employee is afforded an opportunity to respond and explain their actions or inaction. The Administrative Inquiry form may be supplemented with additional interviews or witness statements as necessary. The Administrative Inquiry process shall be used to determine if there is need for an IA investigation.

4.1 When a supervisor determines that an employee’s performance or conduct requires further review, the supervisor shall:

4.1.1 Conduct a managerial inquiry of the employee’s actions by asking questions of the employee and involved persons to include witnesses, and request information reports in accordance with DO #105, Information Reporting.

- 4.1.2 Confer with the Warden, Deputy Warden, Administrator, or Bureau Administrator to determine if an Administrative Inquiry, Form 601-1, should be initiated.
 - 4.1.2.1 If the employee admits wrongdoing and the supervisor determines no further investigation is required, the Warden, Deputy Warden, Administrator, or Bureau Administrator shall initiate corrective action consistent with this DO utilizing page four of the Administrative Inquiry, Form 601-1, and shall not issue the employee an Administrative Inquiry form.
- 4.1.3 Initiate the Administrative Inquiry, Form 601-1, to determine whether an employee's actions constitute misconduct when sufficient information is not contained in the employee Information Report.
 - 4.1.3.1 Supervisors shall complete page one of the Administrative Inquiry form and obtain a case number from the designated area. The supervisor shall ensure that the allegations listed on page one of the Administrative Inquiry form are specific and provide the employee sufficient information to respond to the performance deficiency or misconduct.
 - 4.1.3.2 The Warden shall be advised of any other potential principals identified as a result of the service and response of an Administrative Inquiry form.
- 4.2 Upon receipt of an Administrative Inquiry, Form 601-1:
 - 4.2.1 The employee shall have five workdays following the date of issuance of the Administrative Inquiry to complete the employee response section of the form and return it to their supervisor. The employee's response should include any pertinent information regarding the incident or allegation including information that may mitigate the employee's action(s).
 - 4.2.1.1 Workdays are defined by the receiving employee's current duty schedule.
 - 4.2.2 The supervisor shall review the response, ensure the response completely addresses the allegations, indicate the results of their review on the Administrative Inquiry form, and forward it to the Warden, Deputy Warden, Administrator, or Bureau Administrator with a recommendation for no further investigation or for the initiation of an IA investigation within three workdays.
 - 4.2.3 The Warden, Deputy Warden, Administrator, or Bureau Administrator:
 - 4.2.3.1 Shall review all documentation and determine whether there is sufficient information to make a decision or whether the initiation of an IA investigation is required.
 - 4.2.3.2 May request that the involved employee answer a more precise list of questions prior to making a determination, utilizing page three (Addendum) of the Administrative Inquiry form.
 - 4.2.3.3 Shall initiate disciplinary action consistent with Attachment B, Chart of Disciplinary Sanctions – Covered/Uncovered Employees, if the employee admits wrongdoing and no further investigation is required.

- 4.2.3.4 May after reviewing the Administrative Inquiry, Form 601-1, and supporting documentation, determine the matter may be resolved without an IA investigation, and shall close the case after taking appropriate action.
- 4.2.3.5 Shall forward all documentation to IA if, after reviewing the Administrative Inquiry, Form 601-1, and supporting documentation, determines an IA investigation is required.
- 4.2.4 If a matter is resolved without an IA investigation, the Deputy Assistant Director or designee, Administrator, or Bureau Administrator shall provide a copy of the completed Administrative Inquiry to the Inspector General within 10 workdays.
- 4.3 Employees Receiving Criminal or Civil Citations
 - 4.3.1 Employees who receive a civil traffic citation or warning, including photo radar or a criminal speeding citation while operating a State vehicle, shall report the incident through their chain of command. Notification shall be handled at the complex level through the use of the Administrative Inquiry process, or section 3.0 of this DO as applicable for a civil traffic warning.
 - 4.3.2 Employees who receive a criminal traffic citation (excluding criminal speeding) including a DUI, reckless driving and driving while driver's license is suspended, while operating a State vehicle, shall report the incident to their chain of command. Notification through the executive report shall be completed and an IA investigation shall be conducted by IA.
 - 4.3.3 Employees who receive a criminal speeding citation while operating a privately owned vehicle shall report the incident to their chain of command. Notification shall be handled at the complex level through the use of the Administrative Inquiry process.
 - 4.3.4 Employees who receive any other criminal traffic citation while operating a privately owned vehicle shall report the incident to their chain of command. Notification through the executive report shall be completed and an IA investigation shall be conducted by IA.
 - 4.3.5 Employees who receive a civil traffic citation, including photo radar while operating a privately owned vehicle, are not required to report it.
 - 4.3.6 Employees who have their driver's license suspended or revoked related to any of the above shall immediately report this to their chain of command.

5.0 ASSIGNING THE INVESTIGATION AND INITIALLY NOTIFYING THE EMPLOYEE

- 5.1 When an IA investigation has been requested, the IA Supervisor shall:
 - 5.1.1 Assign an IA case number.
 - 5.1.2 Assign an IA investigator to investigate.
- 5.2 Notice Requirement - Prior to the interview of the employee, written notice shall be provided to the employee.

- 5.2.1 The written notice shall inform the employee of:
 - 5.2.1.1 The alleged facts that are the basis of the investigation.
 - 5.2.1.2 The specific nature of the investigation.
 - 5.2.1.3 The employee’s status in the investigation.
 - 5.2.1.4 All known allegations of misconduct that are the reason for the interview.
 - 5.2.1.5 The employee’s right to have a representative present at the interview.
- 5.2.2 Along with the notice, the investigator shall provide the employee with any relevant and readily available materials, including complaints that contain alleged facts, except for complaints filed with the employer and that include allegations of unlawful discrimination, harassment, retaliation or complaints that involve matters under the jurisdiction of the United States Equal Employment Opportunity Commission (EEOC).
- 5.2.3 The notice requirement does not apply in the following situations:
 - 5.2.3.1 In the normal course of duty, counseling or instruction or an informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other employee.
 - 5.2.3.2 Preliminary questioning to determine the scope of the allegations or if an investigation is necessary.
 - 5.2.3.3 Conducted during the course of a criminal investigation.
- 5.3 Upon receipt of notification, the employee shall acknowledge receipt by signing the notification letter; a copy shall be provided to the employee. The Warden’s office shall immediately fax a copy to IA and the original shall be placed in the case file.

6.0 DISCIPLINE ADMINISTRATION

- 6.1 Action Process – It is expected that all investigations and administrative disciplinary actions shall be administered and finalized within 120 calendar days from the initiation date of an IA investigation. In the event an employee is on approved FMLA leave or other extended leave which renders the employee unavailable, all time frames shall be suspended pending the employee’s return to work. In accordance with the following time frame guidelines, appropriate personnel shall electronically transmit completed forms and investigative documents to the next level(s) of review/action.
 - 6.1.1 The time frames in attachment G-1 and G-2 are not intended to override the time frames cited elsewhere in this DO and are only intended to be guidelines for the administrative tracking and management of the investigative process up to the issuance of disciplinary action.
 - 6.1.1.1 All completed steps in this process shall result in immediate electronic dissemination of the investigative packet to the next level(s).

- 6.1.1.2 For actions appealable by covered employees (involuntary demotion or dismissal), at the completion of the investigation by IA, the entire investigative packet shall be electronically sent to the Approving Authority, Warden, Deputy Assistant Director for Prison Operations, Administrator, and involved Assistant Director simultaneously.
 - 6.1.1.3 At the completion of the Approving Authority review/recommendation phase, the entire investigative packet shall be electronically sent to the Employee Relations Unit and the Assistant Director. The Employee Relations Unit shall coordinate writing Notice of Charge letters with the Approving Authority.
 - 6.1.1.4 Except in authorized extensions of time frames, every IA investigation and issuance of final disciplinary action must be completed within 120 calendar days. Any unauthorized failure to complete investigation and final action within 120 calendar days shall result in a finding of not sustained, irrespective of the facts of the case.
- 6.1.2 Prior to the expiration of the above referenced time frames:
- 6.1.2.1 The Approving Authority shall review the IA investigation, consider all applicable information, to include aggravating and/or mitigating circumstances, determine violations, render findings, and issue the appropriate level of discipline. This shall be conducted in accordance with the Class of Offense Guidelines, Attachment C; the Chart of Disciplinary Sanctions, Attachment B; and the Chart of Disciplinary Suspensions, Attachment E - based on the employees FLSA (Fair Labor Standards Act) status.
 - 6.1.2.1.1 In extenuating circumstances, investigators and approving authorities shall submit a request to the Deputy Director and Inspector General through their respective chain of command, requesting approval to extend the 120 calendar day time frame.
 - 6.1.2.1.2 The request shall include the specific reason the investigation could not be completed or the findings could not be rendered within the designated period. Extensions shall be requested in 30 calendar day increments.
 - 6.1.2.1.3 In extenuating circumstances, i.e., awaiting court adjudication for felony convictions, etc., extensions may be requested for a longer duration.
 - 6.1.2.1.4 Failure to administer discipline or request an extension within the designated time frame will result in a non-sustained finding and the case shall be closed.

6.1.2.2 The Approving Authority shall provide the employee subject to the investigation a written notice advising them of the outcome when an investigation has resulted in a non-sustained, unfounded, or exonerated findings.

6.1.2.3 Upon completion of the Administrative Inquiry, disciplinary action may be initiated where the employee has been given an opportunity to respond to the allegation(s) or complaint(s) and where facts are known and not in dispute. This shall be completed within 35 calendar days from the “date of complaint”, indicated on the Administrative Inquiry form. In the event an employee is on approved FMLA leave or other extended leave, which renders the employee unavailable, all time frames shall be suspended pending the principal’s return to work.

6.1.2.3.1 If the determining authority finds a covered employee (involuntary demotion or dismissal) or uncovered employee case appealable, 65 calendar days shall be allowed from the date of the Administrative Inquiry to the final disciplinary action. Within 35 calendar days from the date of the Administrative Inquiry, the Approving Authority shall submit a draft Notice of Charges letter to the Employee Relations Unit.

6.1.2.3.1.1 The Employee Relations Unit shall ensure the final disciplinary action letter is forwarded to the Approving Authority for issuance prior to the expiration of the initial 65 calendar days.

6.2 The Employee Relations Unit shall:

6.2.1 Review all appealable disciplinary actions, uncovered dismissals, and all corresponding investigative reports, including discipline for criminal conduct. This review shall occur prior to issuing discipline to the employee. The Approving Authority shall submit an IA Investigations Disciplinary Worksheet, Form 601-8, to the Employee Relations Unit along with the appropriate draft disciplinary letter.

6.2.2 Provide advice and technical assistance as needed.

6.2.3 Ensure all investigation reports are reviewed by the Equal Opportunity Unit in accordance with DO #527, Employment Discrimination and Harassment, prior to any action taken on cases involving discrimination or harassment allegations.

6.2.4 Apprise management of any open/pending investigations of a criminal nature prior to administering final disciplinary action involving an 80-hour suspension, demotion, or dismissal. This applies to both covered and uncovered employees.

6.2.5 Initiate contact with the Office of Inspector General for confirmation of any pending/open criminal investigations involving an employee who is facing an 80-hour suspension, demotion, or dismissal.

- 6.2.5.1 In response to the contact from the Employee Relations Unit, the Inspector General shall confirm any pertinent information involving the employee in any open/pending investigation of a criminal nature.
 - 6.2.5.2 The Employee Relations Unit shall ensure all pertinent information is obtained and included in the employee relations files for review with the respective Assistant Director.
- 6.3 Disciplinary Notice – When an employee is disciplined, with exception of the dismissal of an employee on original probation or dismissal of an uncovered employee, the disciplinary notice shall:
 - 6.3.1 Clearly document the reason(s) for the disciplinary action(s) and be written pursuant to the applicable formats.
 - 6.3.2 Include a brief statement informing the employee of the imposed violations.
 - 6.3.3 Include the employee’s rights, such as appeal, grievances, etc.
- 6.4 Action Requirements – Processing of disciplinary actions shall not be delayed due to the absence of an Approving Authority. Authority to take action can be the next highest position in the chain of command or a designated acting authority.

7.0 EMPLOYEE REPRESENTATIVE

- 7.1 When the Department reasonably believes an IA investigation could result in suspension, involuntary demotion, or dismissal, the employee and/or employee witness may request a representative to be present at no cost to the Department during their interviews.
- 7.2 The employee or witness employee may select a representative that is a current Department employee, regardless of classification or job assignment. The employee and/or witness employee are responsible for coordinating the presence of the representative and advising the representative of their responsibilities.
 - 7.2.1 Unless agreed to by the Department, the representative shall not be an attorney.
- 7.3 Serving as a representative is voluntary. Only one representative is permitted per employee and/or witness employee in an IA investigation.
- 7.4 The representative shall:
 - 7.4.1 Only participate in the interview as an observer.
 - 7.4.2 Be subject to the same confidentiality requirements of the employee under investigation and/or the employee identified as a witness in the investigation. Violations may result in discipline pursuant to this DO.
 - 7.4.3 Be on approved leave (annual leave, holiday leave, compensatory leave, or leave without pay) or in off duty status.
 - 7.4.4 Be allowed to take notes and speak to the employee during breaks and at the conclusion of the interview process.

7.4.5 Be required to sign an acknowledgment form indicating they understand and agree with the requirements and limitations. The investigator shall provide the Internal Affairs Investigation – Representative Acknowledgment, Form 601-4.

7.5 The representative shall not:

7.5.1 Cause an unreasonable delay in the interview process. An unreasonable delay is defined as a delay greater than two hours unless an emergency exception is granted by the investigator.

7.5.2 Be a relative of the employee under investigation or the witness employee in the investigation. Relative is defined by Arizona Administrative Code (A.A.C.) §R2-5A-305.

7.5.3 Be a direct subordinate or an individual within the employee's direct chain of command.

7.5.4 Be an employee from IA, Backgrounds or Criminal Investigations Units, Human Resources, the Employee Relations Unit, or the Director's Office.

7.5.5 Be an attorney from the Office of the General Counsel.

7.5.6 Be a participant (complainant, witness) in the current investigation.

7.5.7 Ask questions, coach the employee on responses, pass notes, or exhibit other behavior the investigator reasonably believes is disrupting the interview process.

7.6 Administrative Provisions

7.6.1 On the day of the investigation interview, in the event an emergency prevents a representative from attending, the employee subject to investigation and/or the witness employee may elect to proceed without a representative or select another representative. Rescheduling may occur as long as there is not an unreasonable delay.

7.6.2 At the employee's discretion, a 10-minute break shall be allowed after any 50-minute duration during the interview. The employee may use this break to converse with the representative or for a telephonic or in-person consultation with authorized persons, including an attorney, if immediately available.

7.6.3 A representative who disrupts, delays, or otherwise impedes the investigation interview process shall be excused from the investigation interview by the investigator. The representative shall be required to leave the vicinity of the interview location, even if the interview location is their duty post.

7.6.3.1 At the conclusion of the investigative interview, the investigator shall advise their supervisor in writing of the facts supporting the removal of the representative.

7.6.4 A representative who disrupts delays, reveals confidential information, or otherwise impedes the investigation process may be precluded from acting as a representative in future investigation interviews and may be subject to disciplinary action, pursuant to this DO.

7.7 Representatives are not authorized to be present for the following:

7.7.1 In the normal course of duty, for performance evaluations, counseling, instruction, an informal oral admonishment, reprimands, or other routine or otherwise unplanned contact with a supervisor or any other individual within the chain of command.

7.7.2 During preliminary questioning to determine the scope of the allegations which is used to determine if an investigation is necessary.

7.7.3 In the course of a criminal investigation.

8.0 CONDUCTING INTERVIEWS AND INVESTIGATIONS

8.1 Interviews

8.1.1 IA investigators shall not subject an employee being interviewed to coercion, offensive, or abusive language.

8.1.2 IA investigators shall not allow an employee to be questioned by more than two interviewers at one time, except that an observer approved by the interviewers and/or the IA Supervisor may be present.

8.1.3 IA investigators shall conduct the administrative fact-finding interview in a confidential and impartial manner to preserve the dignity of all persons involved.

8.1.3.1 Investigators are only authorized to bring into an institution the Department issued items necessary to conduct the administrative fact-finding interview.

8.1.4 To the extent possible, fact-finding interviews are to be conducted during the employee's shift. Unless justified by unusual or exigent circumstances, interviews shall not be conducted while the employee is on leave or regular days off.

8.1.4.1 IA investigators shall consult with the Warden, Deputy Warden, Administrator, or Bureau Administrator prior to making a determination that it is necessary to conduct an off duty administrative fact-finding interview.

8.1.4.2 If it is necessary to conduct an off duty administrative fact-finding interview, the investigator shall seek approval from the Office of the General Counsel prior to any contact with an off duty employee.

8.1.5 When possible administrative fact-finding interviews are conducted at the institution or facility where the employee is assigned.

8.1.6 IA investigators will make written notes and/or recordings of the administrative fact-finding interview(s). Employees being interviewed may request an electronic copy of their interview(s).

8.1.6.1 Employees shall submit a written request to the Inspector General for an electronic copy of their interview(s) that includes the purpose for the request. Oral requests for copies of interviews will not be accepted.

- 8.1.6.2 IA shall provide an electronic copy of the respective employee's interview to the employee within five business days of receipt of the written request and purpose statement, regardless of the administrative fact-finding status.
- 8.1.7 During an administrative fact-finding interview, employees shall be afforded a 10-minute rest period every 50 minutes for personal necessities, meals, and telephone calls.
- 8.1.8 IA investigators are not required to advise an employee of the employee's constitutional rights or provide an administrative advisory to the employee prior to commencing an administrative fact-finding interview.
- 8.2 The employee shall maintain a professional demeanor (free of abusive or inappropriate language) and shall fully cooperate and completely and truthfully answer all of the investigator's questions. Failure or refusal to do so is grounds for discipline.
 - 8.2.1 If previously unknown criminal conduct becomes apparent during an interview, the investigator shall immediately terminate the interview and contact the IA Supervisor.
 - 8.2.2 Limit interviews to four hours for any single interview session. More than one interview session per employee may be required and is permitted.
- 8.3 At no time shall a Criminal Investigations Unit (CIU) investigator conduct an IA investigation, or an IA investigator conduct a criminal investigation.
 - 8.3.1 The investigator shall advise all employees of the Garrity warning prior to initiating an interview.
 - 8.3.2 Any employee may be required to prepare written reports of any information relevant to the investigation.
 - 8.3.3 All employees have the right at any time during the investigation to submit further written reports of relevant information.
 - 8.3.4 Investigators shall review all Post Orders, and other source documents as appropriate.
- 8.4 When new information surfaces during the investigation that is unrelated to the initial allegation(s) being investigated, the investigator shall immediately bring the new allegations to the attention of the IA Supervisor and the Warden, Deputy Warden, Administrator, or Bureau Administrator who will make the determination if an independent investigation should be initiated or that combining the newly discovered information into one investigation.
- 8.5 The Warden, Administrator, or Bureau Administrator shall advise the employee's supervisor and the employee of authorized extensions and periodically advise of the status of the investigation when appropriate or upon inquiry.
 - 8.5.1 If the employee has questions about the status of the investigation, the question(s) shall be forwarded to the Warden, Administrator, or Bureau Administrator who in turn shall contact the investigator to ask the question(s). The Warden, Administrator, or Bureau Administrator may then inform the requesting party of the answer if appropriate.

8.5.2 IA shall track all cases to ensure completion of the case within established time frames.

8.6 Preparing the Investigation Report – At the completion of an IA investigation, the investigator shall prepare a comprehensive report that:

8.6.1 Is prepared in the approved Investigative Report format.

8.6.2 Includes a synopsis of the complaint and investigation, providing the details of the complaint and a summary of relevant information that was discovered during the investigation.

8.6.3 Contains a narrative that includes each allegation and the interviews of involved employees and witnesses.

8.6.4 Summarizes the findings of fact on each allegation.

8.6.5 Does not contain opinions, conclusions, or recommendations.

8.6.6 Can be electronically forwarded simultaneously to the IA Supervisor and/or Inspector General for approval.

8.6.7 Can then be electronically forwarded to the affected Assistant Director, Warden, Administrator, or Bureau Administrator.

9.0 REASSIGNING OR PLACING THE EMPLOYEE ON ADMINISTRATIVE LEAVE WITH PAY

9.1 If it is determined that the presence of the under investigation employee would prevent the employee or other employees from satisfactorily performing their required duties, disrupt the work environment, interfere with the investigation, or for any other reason should preclude the employee from working under certain circumstances, a recommendation to place the employee on Administrative Leave shall be submitted to the applicable Assistant Director. Only the Director, Deputy Director, or applicable Assistant Directors shall approve an employee's placement on Administrative Leave.

9.1.1 Upon receiving approval to place an employee on Administrative Leave, the Warden or Administrator shall:

9.1.1.1 With written notification to the employee, place the employee on Administrative Leave With Pay. The written notification shall include the name and title of the Approving Authority. A copy of the written notification is to be sent to Employee Relations immediately. Administrative Leave With Pay shall only be considered as a last resort, if the allegation:

9.1.1.1.1 Is so serious as to jeopardize security or negatively impact the Department, including pending criminal charges.

9.1.1.1.2 If there are no assignments available the employee can successfully perform.

9.1.1.1.3 Is such that it is determined the employee should not be in the workplace.

- 9.1.2 Absent approval for Administrative Leave Placement, the Warden or Administrator may temporarily reassign the employee to other shifts, work locations, Regular Days Off (RDO) or suitable duties that do not involve contact with inmates, if applicable, until the investigation is complete.
- 9.1.3 If the employee is to be restricted from entering into or onto state property, have the employee sign and date the Criminal Trespass Notice, Form 601-9, and ensure the distribution is completed.
- 9.2 Employees who are placed on administrative leave with pay shall comply with all provisions of their written notice.
- 9.3 Employees shall not be placed on administrative leave with pay during any period of incarceration.
 - 9.3.1 If the employee is released from custody before corrective action is taken, the Warden, Administrator, or Bureau Administrator shall consider reassignment or a request for administrative leave.

10.0 DETERMINING FINDINGS FOR ADMINISTRATIVE INQUIRIES

- 10.1 Upon receipt of an Administrative Inquiry the Warden, Deputy Warden, Administrator, or Bureau Administrator shall:
 - 10.1.1 Review the entire report, including all attachments and relevant policies.
 - 10.1.2 Prepare a written finding on each allegation utilizing page four of the Administrative Inquiry, Form 601-1, or Tab F of the IA investigation.
- 10.2 Once an Administrative Inquiry has been completed and it has been determined that an employee violated one or more of the standards of this DO, recommendations for appropriate discipline shall be made through the chain of command. The Warden, Deputy Warden, Administrator, or Bureau Administrator shall:
 - 10.2.1 Determine the appropriate level of discipline, including specific references to offenses in accordance with Attachments B and C.
 - 10.2.2 If the recommended level of discipline is a written reprimand or suspension, consult with the Employee Relations Unit and issue the disciplinary action pursuant to the guidelines.
 - 10.2.2.1 All suspensions require the review and approval of the respective Assistant Director or Deputy Assistant Director, as applicable to the Division.
 - 10.2.3 If the recommended level of discipline is an involuntary demotion or dismissal, consult with the Employee Relations Unit and any other appropriate parties about necessary procedures prior to the issuance of the final disciplinary action.
 - 10.2.3.1 All involuntary demotions or dismissals shall require the approval of the Director.

10.2.3.2 In all cases in which a finding involves formal discipline or suspension, the Warden, Deputy Warden, Administrator, or Bureau Administrator shall meet with the employee within three business days of the determination of sanctions.

10.2.3.2.1 The degree of discipline shall be explained, as well as the employee's right to either appeal or grieve the discipline. It shall be explained to the employee during this process that the discipline will remain suspended until the process is complete and a final determination has been made.

10.2.3.2.2 It is incumbent on the employee to understand all timeframes associated with the appeals and grievance process. If at any time the employee does not file paperwork in accordance with those timeframes, the final discipline action will be implemented.

10.2.3.3 The Warden, Deputy Warden, Administrator, Bureau Administrator, and Employee Relations Officers shall track the case through the appeal or grievance process. If at the end of the process it is determined that some level of discipline is to be administered, the Warden, Deputy Warden, Administrator or Bureau Administrator shall prepare the appropriate letter and hand deliver to the employee within five business days. If it is not possible to hand deliver the letter, it shall be mailed via certified letter with return receipt requested.

10.2.3.4 Once disciplinary action has been issued, forward all documentation and correspondence related to the findings and disciplinary action taken to the IA Supervisor.

10.3 For allegations where the findings are unfounded, exonerated, or not sustained, the Warden, Deputy Warden, Administrator, or Bureau Administrator shall forward a memo reporting the findings to the employee with a copy provided to the employee's supervisor.

11.0 EMPLOYEE DISCIPLINE – Under the State Personnel Rules, the ADCRR Director has the primary authority and responsibility in matters pertaining to employee discipline. All involuntary demotions or dismissals shall require the approval of the Director. A disciplinary action that involves an involuntary demotion or a dismissal requires review by the Director of the Arizona Department of Administration (ADOA) or designee prior to administering such action. This review shall be coordinated by the Employee Relations Unit.

11.1 Requests to access IA files shall be submitted in writing to the Inspector General and shall include a written statement of the purpose for the request. Oral requests are not sufficient.

11.2 Official disciplinary letters to effectuate disciplinary actions that are subject to appeal to the State Personnel Board or the Law Enforcement Merit System Council, and uncovered dismissals shall be reviewed by the Department's Employee Relations Unit, approved by the appropriate Assistant Director, and reviewed by the ADOA Director or designee prior to issuance.

- 11.3 Disciplinary actions subject to appeal include involuntary demotions or dismissals of permanent status covered employees.
- 11.4 The Assistant Director of Training and Personnel or the Chief Human Resources Officer (CHRO) will seek approval from the Director prior to seeking ADOA approval on dismissals and involuntary demotions.
- 11.5 The Deputy Director is authorized to administer all forms of discipline to employees under their supervision.
- 11.6 The Assistant Directors are authorized to administer all forms of discipline to their respective Bureau Administrators, Deputy Assistant Directors, Wardens, Unit Administrators, and all employees within their Division.
- 11.7 The Deputy Assistant Directors, Wardens, and Bureau Administrators are authorized to administer discipline to employees under their supervision.
- 11.8 The Unit Administrators are authorized to administer discipline up to and including suspensions without pay to employees under their supervision, to include dismissal of employees on original probation.
- 11.9 All supervisors are authorized to administer oral or written counseling, adverse performance appraisal entries, and Notices of Necessity to Improve, Form 514-14. Such corrective actions are not disciplinary in nature, and are exempt from the provisions of this DO. These actions may be referenced in a grievance response or Personnel Board hearing or other proceeding to demonstrate progressive corrective action on the part of management.

12.0 DISCIPLINARY SANCTIONS – The following sanctions, which shall become part of the employee’s official personnel file, may be imposed to correct an employee’s behavior or conduct.

- 12.1 The Approving Authority shall provide copies of the disciplinary letter pursuant to the applicable disciplinary sanction, to include but not limited to the Employee Relations Unit, the Human Resources Operations Unit for placement into the employee’s personnel file, and to the Personnel Board, in the case of involuntary demotion or dismissal of a covered, permanent status employee.
 - 12.1.1 The Director shall consider the recommendations of the CHRO in regards to dismissals and involuntary demotions. If the Director does not concur with these recommendations, they shall submit a memo to the ADOA Director, explaining the rationale for non-concurrence.
- 12.2 Written Reprimand – (Covered and Uncovered Employees)
 - 12.2.1 If the employee is covered, the Approving Authority shall advise the employee of their right to file a grievance upon issuance of the written reprimand. The grievance procedure is not available to uncovered employees.
 - 12.2.2 The Approving Authority shall request the employee to sign and date the reprimand letter acknowledging receipt. If the employee refuses to sign, a notation to this effect shall be made, and a witness shall sign verifying that the employee refused receipt. An employee shall not be disciplined or sanctioned for refusing to sign the acknowledgment of receipt.

12.3 Suspensions of Employee

12.3.1 Employee Relations staff shall:

- 12.3.1.1 Complete the ADOA Discipline and Dismissal Guidance Worksheet, coordinating with management as appropriate.
- 12.3.1.2 Draft a suspension letter for the employee, using the applicable template provided by the ADOA.
- 12.3.1.3 Meet with the respective Assistant Director for review of the matter and related documents.
- 12.3.1.4 Once the action is approved by the respective Assistant Director, send the package to the CHRO for final approval.

12.3.2 The CHRO shall complete the ADOA Discipline/Dismissal CHRO Review Document.

12.3.3 Once Employee Relations staff is advised of the CHRO's approval of the action, they shall ensure the finalization and distribution of the suspension letter.

12.4 Suspensions Without Pay – (8 – 80 hours – Covered, Permanent Status Employees)

12.4.1 The Approving Authority shall:

12.4.1.1 Provide the employee with a suspension letter that includes a written statement of the reason(s) and grounds for the suspension, imposed violations, and their right to grieve the suspension in accordance with DO #517, Employee Grievances.

12.4.1.1.1 The grievance procedure is not available to uncovered employees.

12.4.1.2 Request the employee sign and date the suspension letter acknowledging receipt. If the employee is unwilling to sign, a notation to this effect shall be made, and a witness shall sign verifying that the employee would not acknowledge receipt. An employee shall not be disciplined or sanctioned for refusing to sign the acknowledgment of receipt.

12.4.1.3 Ensure the Positive Attendance Report (PAR) or Employee Time Entry (ETE) is appropriately coded for activation of the suspension.

12.4.1.3.1 An 80-hour suspension shall be served in consecutive weeks; however, it must cover two pay periods.

12.4.2 Employees issued suspensions without pay are prohibited from working overtime during the affected pay periods, with the exception of attendance at shift briefing.

12.4.3 An employee who is suspended may not apply or be eligible for promotion for a period of one year, effective the first day of the suspension period. Management reserves the right to impose a greater restriction on promotion timeframes and will provide notice of extended restriction before suspension is imposed.

12.5 Involuntary Demotion of Covered Permanent Employees

12.5.1 The Approving Authority shall:

12.5.1.1 Prior to making the decision to demote, meet with the employee and issue a Notice of Charges letter. Ensure the Notice of Charges letter has been reviewed by the Employee Relations Unit, the appropriate Assistant Director, and the ADOA Director or designee, prior to issuance. The Notice of Charges letter shall:

12.5.1.1.1 Inform the employee that discipline is being considered.

12.5.1.1.2 Include a written statement specifying the misconduct and violations.

12.5.1.2 Advise the employee of the right to provide a written response to the Approving Authority within three business days (Monday – Friday), after receipt of the notice, unless extended in writing by the Approving Authority.

12.5.1.3 Prior to making a decision to demote or issue a lesser action, consider the employee's response to the Notice of Charges letter, the facts of the case, years of service, and any prior disciplinary history and performance evaluations, as well as any aggravating or mitigating circumstances.

12.5.1.3.1 Employee Relations staff shall:

12.5.1.3.1.1 Complete the ADOA Discipline and Dismissal Guidance Worksheet, coordinating with management as appropriate.

12.5.1.3.1.2 Draft an Involuntary Demotion letter for the employee, using the applicable template provided by the ADOA.

12.5.1.3.1.3 Meet with the respective Assistant Director for review of the matter and related documents.

12.5.1.3.1.4 Once the action is approved by the respective Assistant Director, send the package to the CHRO for final approval.

12.5.1.3.2 The CHRO shall complete the ADOA Discipline/Dismissal CHRO Review Document.

12.5.1.3.3 Once Employee Relations staff is advised of the CHRO's approval of the action, they shall ensure the finalization and distribution of the Involuntary Demotion letter.

- 12.5.1.4 Provide the employee with an Involuntary Demotion letter that includes a written statement of the specific reason(s) and grounds for the involuntary demotion, the violations, and their right to appeal to the State Personnel Board, or in the case of a full authority peace officer, the Law Enforcement Merit System Council.
 - 12.5.1.4.1 The Involuntary Demotion letter shall be given to the employee at a minimum of one day prior to the effective date of the action.
 - 12.5.1.5 Request the employee sign and date the letter acknowledging receipt. If the employee declines to sign, a notation to this effect shall be made and a witness shall sign verifying that the employee would not acknowledge receipt. An employee shall not be disciplined or sanctioned for declining to sign the acknowledgment of receipt.
 - 12.5.1.6 Ensure the appropriate performance appraisal ratings and documentation reflects the reasons for the involuntary demotion during the close-out evaluation. If the involuntary demotion is for performance, the ratings shall reflect below standard performance.
 - 12.5.1.7 Ensure a Personnel Action Transmittal, Form 504-5, is completed and submitted to the Institution or Central Office Personnel Unit to process the involuntary demotion.
- 12.5.2 An employee who is involuntarily demoted may not apply or be eligible for promotion for a period of two years, from the effective date of the involuntary demotion. Management reserves the right to impose a greater restriction on promotion timeframes and will provide notice of an extended restriction before involuntary demotion is imposed.
- 12.5.3 In accordance with A.R.S. §38-1104(D), covered employees who qualify as law enforcement officers, as defined by A.R.S. §38-1101(8), shall be provided at the time of service of a Notice of Charges letter with a basic summary of discipline ordered against any other employee of generally similar rank and experience employed by the employer within the previous two years for the same or similar violation. Upon receipt, employees shall acknowledge the receipt of the Notice of Charges letter and the basic summary.
- 12.6 Dismissal of Covered Permanent Employees
- 12.6.1 The Approving Authority shall:
 - 12.6.1.1 Meet with the employee and issue a Notice of Charges letter prior to making any decisions that will result in dismissal. Ensure the Notice of Charges letter has been reviewed by the Employee Relations Unit and the appropriate Assistant Director prior to issuance. The Notice of Charges letter shall:
 - 12.6.1.1.1 Inform the employee that discipline is being considered.

- 12.6.1.1.2 Include a written statement specifying the misconduct and violations.
- 12.6.1.2 Advise the employee of the right to provide a written response to the Approving Authority within three business days (Monday – Friday) after receipt of the notice, unless extended in writing by the Approving Authority.
 - 12.6.1.2.1 An employee who opts to resign at this point in the process may do so with the concurrence of management and in consultation with the Employee Relations Unit.
 - 12.6.1.2.2 In accordance with A.R.S. §38-1104(D), covered employees who qualify as law enforcement officers, as defined by A.R.S. §38-1101(8), shall be provided at the time of service of a Notice of Charges letter with a basic summary of discipline ordered against any other employee of generally similar rank and experience employed by the employer within the previous two years for the same or similar violation. Upon receipt, employees shall acknowledge the receipt of the Notice of Charges letter and the basic summary.
- 12.6.1.3 Prior to making a decision to dismiss or issue a lesser disciplinary action, consider the employee's response to the Notice of Charges letter, the facts of the case, years of service, and any prior disciplinary history and performance evaluations, as well as any aggravating or mitigating circumstances.
 - 12.6.1.3.1 Employee Relations staff shall:
 - 12.6.1.3.1.1 Complete the ADOA Discipline and Dismissal Guidance Worksheet, coordinating with management as appropriate.
 - 12.6.1.3.1.2 Draft a dismissal letter for covered employees, using the applicable template provided by the ADOA.
 - 12.6.1.3.1.3 Meet with the respective Assistant Director for review of the matter and related documents.
 - 12.6.1.3.1.4 Once the action is approved by the respective Assistant Director, send the package to the CHRO, who shall complete the ADOA Discipline/Dismissal CHRO Review Document and submit the package to the ADOA HR Division for review.

- 12.6.1.3.2 Once Employee Relations staff is advised of the completion of ADOA's review of the action, they shall prepare a finalized dismissal letter for the Approving Authority's signature and submit it to the Director's Office.
- 12.6.1.3.3 The Approving Authority shall sign the dismissal letter and return it to Employee Relations for distribution.
- 12.6.1.4 Upon determination to dismiss the employee, issue a dismissal letter to the employee in person. If extenuating circumstances exist and it is not possible to issue the letter in person, certified mail may be used.
 - 12.6.1.4.1 An employee who requests that the dismissal be converted to a letter of resignation in lieu of dismissal at the time of issuance may do so directly to the Approving Authority. The Approving Authority may approve this request and provide the Alternative Resignation letter for immediate submission. The employee must acknowledge the resignation in lieu of dismissal is submitted at their request, thus finalizing this action.
 - 12.6.1.4.2 An employee who requests that the dismissal be converted to a letter of resignation in lieu of dismissal after the imposition of the dismissal may request a resignation settlement agreement through the Employee Relations Unit and the Deputy Director.
- 12.6.1.5 Ensure the dismissal letter for covered, permanent status employees includes:
 - 12.6.1.5.1 A written statement of the specific reasons for dismissal in sufficient detail to explain the facts as well as the violations.
 - 12.6.1.5.2 A notification of the right to appeal to the State Personnel Board within 10 workdays from the effective date of the dismissal, or in the case of a full authority peace officer, a notification of the right to appeal to the Law Enforcement Merit System Council within 10 workdays from the effective date of the dismissal.
 - 12.6.1.5.3 A notice that the employee may request a review of the dismissal by the Deputy Director prior to the effective date of the employee's dismissal.
 - 12.6.1.5.4 An employee to whom a letter of dismissal has been issued and who is granted a meeting with the Deputy Director, may request of the Deputy Director that the dismissal be converted to a letter of resignation in lieu of dismissal via a resignation settlement agreement approved by the Employee Relations Unit and the Deputy Director.

12.6.1.6 Unless modified by the Deputy Director, ensure the dismissal action takes effect at the end of the third business day from the date the dismissal letter is served.

12.7 Dismissal of Employees on Original Probation and Uncovered Employees – The respective Assistant Director or designated approving authorities shall provide the employee a dismissal letter that contains the effective date and statutory authority for such action, if applicable. No reason for the dismissal action shall be provided or discussed, and the letter shall indicate that there is no right to appeal. All dismissals shall require the approval of the Director. The ADOA Director or designee shall review the dismissal letter prior to issuance.

12.7.1 Original Probation

12.7.1.1 Employee Relations staff shall:

12.7.1.1.1 Complete the ADOA Discipline and Dismissal Guidance Worksheet, coordinating with management as appropriate.

12.7.1.1.2 Draft a dismissal letter from Original Probation, using the applicable template provided by the ADOA.

12.7.1.1.3 Send those materials to the respective Assistant Director for review.

12.7.1.1.4 Once the action is approved by the respective Assistant Director, send the package to the CHRO, who shall complete the ADOA Discipline/Dismissal CHRO Review Document, discuss with the Director and submit the package to the ADOA HR Division for review.

12.7.1.2 Once Employee Relations staff is advised of the completion of ADOA's review of the action, they shall prepare a finalized dismissal letter for the Approving Authority's signature.

12.7.1.3 The Approving Authority shall sign the dismissal letter and return it to Employee Relations for distribution.

12.7.2 Uncovered

12.7.2.1 Employee Relations staff shall:

12.7.2.1.1 Complete the ADOA Discipline and Dismissal Guidance Worksheet, coordinating with management as appropriate.

12.7.2.1.2 Draft a dismissal letter for uncovered employees, using the applicable template provided by the ADOA.

12.7.2.1.3 Prepare a package regarding the employee and reasons for dismissal and submit this to the respective Assistant Director, along with the documents noted above, for review.

- 12.7.2.1.4 Once the action is approved by the respective Assistant Director, send the package to the CHRO, who shall complete the ADOA Discipline/Dismissal CHRO Review Document and submit the package to the ADOA HR Division for review.
 - 12.7.2.2 Once Employee Relations staff is advised of the completion of ADOA's review of the action, they shall prepare a finalized dismissal letter, advising that the employee's services are no longer required.
 - 12.7.2.3 The Approving Authority shall sign the dismissal letter, serve to the employee, and return it to Employee Relations for distribution.
- 12.8 Separation of Temporary Employees – The respective Assistant Director or designated approving authorities shall provide the employee a separation letter. No reason for the separation shall be provided or discussed, and the letter shall indicate that there is no right to appeal. The ADOA Director or designee shall review the separation letter prior to issuance.

13.0 ACCESS TO INVESTIGATION REPORTS AND INTERNAL AFFAIRS (IA) FILES

- 13.1 Requests to access IA files shall be submitted in writing to the Inspector General and shall include a written statement of the purpose for the request. Oral requests are not sufficient.
 - 13.1.1 Requests for an electronic copy of the staff member's recorded interview shall be submitted in writing to the Inspector General with a statement of the purpose of the request. IA shall provide an electronic copy within five business days of receipt of the request, regardless of investigation status.
- 13.2 IA files and all investigation reports shall be confidential, except as required by statutes and court orders. Access shall be restricted to those individuals with authorization from the Inspector General.
- 13.3 Investigations involving allegations of harassment or discrimination shall not be released until the Inspector General and the Employee Relations Unit have been consulted and have been approved in writing to release of the investigation.
- 13.4 All investigation reports and files shall be retained by IA in accordance with DO #103, Correspondence/Records Control.

14.0 GRIEVANCE/APEAL OPTIONS

- 14.1 Original probationary employees who receive corrective discipline may exercise their right to the following options:
 - 14.1.1 Dismissal – Original Probation Status – Employees on original probation have no formal avenue of appeal.
 - 14.1.2 Written Reprimand – Employees may file a written grievance in accordance with DO #517, Employee Grievances.
 - 14.1.3 Suspension – Employees may file a written grievance if the suspension is for 8 through 80 work hours, in accordance with DO #517, Employee Grievances.

- 14.2 Covered, permanent status employees who receive corrective discipline may exercise their right to the following options:
 - 14.2.1 Written Reprimand – Employees may file a written grievance in accordance with DO #517, Employee Grievances, within the required time period.
 - 14.2.2 Suspension – An employee may, if the suspension is for 8 through 80 hours, file a written grievance within the required time period.
 - 14.2.2.1 An employee who is a full authority peace officer may, if the suspension is for 8 through 40 hours, file a grievance within the required time period.
 - 14.2.2.2 For a full authority peace officer, if the suspension is for more than 40 hours, the suspension may be appealed to the Law Enforcement Merit System Council within 10 workdays of the effective date of the suspension.
 - 14.2.3 Involuntary Demotion – Covered Permanent Status employees may appeal to the State Personnel Board within 10 workdays of the effective date of the involuntary demotion.
 - 14.2.3.1 Full authority peace officers may appeal to the Law Enforcement Merit System Council within 10 workdays of the effective date of the involuntary demotion.
 - 14.2.4 Dismissal – Covered Permanent Status employees may:
 - 14.2.4.1 After the receipt of a dismissal letter, request a meeting with the Deputy Director, through the Employee Relations Unit, prior to the effective date of the dismissal.
 - 14.2.4.2 Appeal to the State Personnel Board within 10 workdays of the effective date of the dismissal.
 - 14.2.4.2.1 Full authority peace officers may appeal to the Law Enforcement Merit System Council within 10 workdays of the effective date of the dismissal.
- 14.3 There is no formal avenue of appeal for uncovered employees who receive corrective discipline.
- 14.4 The degree of discipline to be administered to covered employees will be explained, as well as the employee's right to either appeal or grieve the discipline. It will be explained to the employee during this process that the discipline will remain suspended until the process is complete and a final determination has been made.

15.0 CRIMINAL AND INTERNAL AFFAIRS (IA) INVESTIGATIONS

- 15.1 There are two types of investigations:
 - 15.1.1 A Criminal Investigation is conducted if it appears that a crime may have been committed. (See DO #608, Criminal Investigations.)

15.1.2 An IA investigation is conducted to determine if Department policies or procedures have been violated. IA investigations may be delayed or placed on criminal hold if a criminal investigation is also required.

15.1.2.1 IA Investigation – The IA investigators shall conduct an IA investigation when the Warden, Administrator, or Bureau Administrator determines that an issue is complex and there is a need to establish the facts of the case.

15.1.2.2 Restraining Orders – Upon notification that an employee has been named on an Order of Protection, Injunction against Harassment, or other restraining order, the Warden, Administrator, or Bureau Administrator shall determine if further investigation is required and if the violation impacts the place of employment.

15.1.2.2.1 The employee shall provide a copy of all such orders, the petitions or complaint, and supporting documents to their supervisor within 24 hours of being served.

15.1.2.2.2 Examples of violations that may impact the place of employment include firearms restrictions; employees who live in state-provided housing; orders issued against an employee by or on behalf of another employee; and orders that prohibit the employee from going to their workplace.

15.1.2.2.3 All questions should be directed to the Employee Relations Unit.

15.2 Inmate Deaths – The IA shall complete the Inmate Death or Serious Injury Checklist and ensure all required components are addressed within the investigation.

16.0 RESIGNATIONS – Resignations tendered orally shall be confirmed in writing by the appropriate Approving Authority.

16.1 Resignations (Except in Lieu of Dismissal) – Employees who elect to voluntarily resign, including those under investigation, shall:

16.1.1 Complete and sign a Resignation letter.

16.1.2 Deliver the Resignation letter to the appropriate authority.

16.1.3 Give a notice 10 business days prior to the effective date of the resignation, unless the notice period is waived by management.

16.1.3.1 Employees must give the 10 business days' notice to be considered to have resigned in good standing with State service.

16.1.3.2 The Department reserves the right to consider the circumstances under which the employee resigned if the employee files for rehire.

16.2 Resignations (In Lieu of Dismissal) – Upon receipt of a dismissal letter, employees who desire to voluntarily resign in lieu of being dismissed shall notify the Approving Authority, which may pursue a resignation settlement agreement through the Employee Relations Unit. Management reserves the right to decline such requests.

16.3 Resignation Separations

16.3.1 An employee may terminate their employment by submitting a written resignation to the respective Assistant Director or designee at least 10 business days prior to the effective date of resignation. An employee who fails to give such notice may not be eligible for rehire.

16.3.2 Oral Resignations – If an employee resigns orally, the respective Assistant Director or designee shall confirm the resignation in writing.

16.3.3 Refusal of Resignation – The respective Assistant Director or designated Approving Authority may refuse to accept a resignation and dismiss an employee, in accordance with A.A.C. §R2-5A-1002 (A).

16.4 Processing Resignations – Upon receipt of a Resignation letter, the Approving Authority shall:

16.4.1 Record the date and time of receipt and initial on the resignation letter.

16.4.2 Attach a copy of the resignation letter to the Personnel Action Transmittal, Form 504-5 and forward copies of the accepted resignation to the:

16.4.2.1 Employee's institution personnel file.

16.4.2.2 Human Resources Operations Unit for filing in the employee's official personnel file.

16.5 Withdrawal of Resignations – Employees may submit a written request to withdraw a resignation to the Approving Authority no later than the end of the next workday. The Approving Authority may agree to a later withdrawal of the resignation. The decision to accept or reject resignation withdrawals shall be at the discretion of the Approving Authority.

17.0 INVESTIGATION REPORTS AND EMPLOYEE RECORDS

17.1 As outlined in this DO, Approving Authorities shall:

17.1.1 Maintain all Administrative Inquires, investigation reports, files, and a copy of the final disciplinary letter at their respective complex, in accordance with DO #103, Correspondence/Records Control.

17.1.2 Upon completion, return IA investigations through the appropriate chain of command to IA.

17.1.3 Not release the contents of investigation reports, unless approved in advance by the IA Supervisor, Inspector General, or General Counsel.

17.1.4 Allow attorneys representing the Department to have access to reports and files, and provide copies of such documents for their use.

18.0 REHIRE RESTRICTIONS

- 18.1 Unless authorized in writing by the appropriate Assistant Director, the following employees shall not be eligible for rehire:
- 18.1.1 Those who left the Department “not in good standing.”
 - 18.1.2 Dismissed for cause.
 - 18.1.3 Resigned in lieu of dismissal.
 - 18.1.4 Resigned while under investigation, unless and if practical, the investigation is re-opened and concluded with no misconduct noted, and the rehire is recommended by the Warden/Administrator.
 - 18.1.5 Failed to provide 10 business day’s written notice prior to their departure and the notice was not waived, in writing, by management.
 - 18.1.6 Separated for job abandonment as defined in A.A.C. §R2-5A-1001(B).
- 18.2 The Approving Authority shall submit a written recommendation for exclusion from rehire through their chain of command to the Background Investigations Unit. This recommendation shall include:
- 18.2.1 Documentation of the reason(s) for the separation.
 - 18.2.2 A request that the former employee be excluded from hiring consideration.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms for the following:

- Aggravating/Mitigating Circumstances
- Approving Authority
- Business Day
- Complainant
- Complaint
- Corrective Disciplinary Action
- Counseling
- Covered Employee
- Finding
- Garrity/Garrity Warning
- Initial Administrative Action
- Intentional
- Investigations
- Involuntary Demotion
- Just Cause
- Letter of Dismissal
- Misconduct
- Mistake
- Notice of Charges Letter
- Peace Officer
- Resignation in Lieu of Dismissal
- Resignation While Under Investigation
- Restraining Order

- Staff Arrest Incident
- Suspension
- Uncovered Employees
- Unintentional
- Work Week
- Written Reprimand

ATTACHMENTS

Attachment A, Discipline Chart Introduction – Covered/Uncovered Employees
Attachment B, Chart of Disciplinary Sanctions – Covered/Uncovered Employees
Attachment C, Class of Offense Guidelines
Attachment D, Serious Misdemeanor Offenses
Attachment E, Chart of Disciplinary Suspensions
Attachment F, Commercial Driver’s License (CDL) – Disciplinary Actions
Attachment G-1, Decision Tree Flow Chart
Attachment G-2, Administrative Guidelines

FORMS LIST

105-2, Information Report
504-5, Personnel Action Transmittal
514-14, Notices of Necessity to Improve
601-1, Administrative Inquiry
601-4, Internal Affairs Investigations - Representative Acknowledgment
601-8, Internal Affairs Investigations Disciplinary Worksheet
601-9, Criminal Trespass Notice

AUTHORITY

A.R.S. § 12-1809, Injunctions Against Harassment; Petition; Venue; Fees; Notices; Enforcement; Definition
A.R.S. § 13-1419, Unlawful Sexual Conduct; Correctional Facilities; Classification; Definition
A.R.S. § 13-2505, Promoting Prison Contraband; Exceptions; X-radiation; Body Scans; Classification
A.R.S. § 13-2513, Failure to Discharge Duties; Classification; Definition
A.R.S. § 13-3102, Misconduct Involving Weapons; Defenses; Classification; Definitions
A.R.S. § 13-3112, Concealed Weapons; Qualification; Application; Permit to Carry; Civil Penalty; Report; Applicability
A.R.S. § 31-203, Persons Disqualified as Officers or Employees
A.R.S. § 31-204, Interest of Employee in Contracts; Gifts To or From Prisoner; Penalty
A.R.S. § 31-231, Unauthorized Communication with Prisoner; Classification; Definition
A.R.S. § 38-448, State Employees; Access to Internet Pornography Prohibited; Cause for Dismissal; Definitions
A.R.S. § 38-531, Definitions
A.R.S. § 38-1101, Definitions
A.R.S. § 38-1104, Internal Investigations; Employee Representative; Exception
A.R.S. § 38-1105, Law Enforcement Officer as Witness; Right to Representation; Exception
A.R.S. § 38-1108, Polygraph Examinations; Exception
A.R.S. § 41-752, Protections of Civil or Political Liberties; Prohibitions; Civil Penalty; Violation; Classification
A.R.S. § 41-753, Unlawful Acts; Violation; Classification
A.R.S. § 41-773, Causes for Dismissal or Discipline for Employee in Covered Service
A.R.S. § 41-783, Appeals to the State Personnel board for Covered Employees; Notice of Charges; Hearings
A.R.S. § 41-1461, Definitions
A.R.S. § 41-1830.16, Law Enforcement Merit System Council Duties; Authority; Appeals of Covered Full Authority Peace Officers Employed By Agencies in the State Personnel System; Definitions
A.A.C. § R2-5A-101, Definitions

A.A.C. §R2-5A-305, Employment of Relatives
A.A.C. §R2-5A-501, Standards of Conduct
A.A.C. §R2-5A-1001, Voluntary Separation
A.A.C. §R2-5A-1002, Involuntary Separation
A.A.C. §R2-5B-303, Suspension
A.A.C. §R2-5B-304, Involuntary Demotion
A.A.C. §R2-5B-305, Dismissal
A.A.C. §R2-5B-402, Grievance System
A.A.C. §R2-5B-403, Grievance Procedures
18 U.S.C. §922(g) (9), Lautenberg Amendment
29 U.S.C. §201, Fair Labor Standards Act (FLSA)

ATTACHMENT A

DISCIPLINE CHART INTRODUCTION COVERED/UNCOVERED EMPLOYEES

Multiple Infractions

In cases involving more than one sustained violation, disciplinary action should begin with the most serious violation. Other violations may then be considered as aggravating circumstances when determining the appropriate penalty from within the minimum and maximum recommended range, or each violation may be individually considered and the penalties cumulated.

Progressive Discipline

Serious acts of misconduct may warrant dismissal of an employee without preceding re-direction or discipline. However, less serious acts of misconduct may warrant the use of progressive discipline to provide the employee with the opportunity to reform their conduct. The increasing level of concern expressed through progressive discipline may begin with a written reprimand and proceed to suspension for up to 80 hours, involuntary demotion or dismissal.

An involuntary demotion or dismissal entitles a permanent covered employee under A.R.S. §41-783 to appeal to the Arizona State Personnel Board. Suspensions of 8-80 hours entitle employees to use the grievance procedure (See Attachment E, Chart of Disciplinary Suspensions). Lesser discipline generally should be imposed first, unless the misconduct is of a grievous nature so as to warrant more severe action (See Attachment C, Class of Offense Guidelines).

A suspension of more than 80 hours, an involuntary demotion or dismissal entitles a permanent covered full authority peace officer under A.R.S. §41-1830.16 to appeal to the Law Enforcement Merit System Council. Suspensions of 8-40 hours entitle full authority peace officers to use the grievance procedure (See Attachment E, Chart of Disciplinary Suspensions). Lesser discipline generally should be imposed first, unless the misconduct is of a grievous nature so as to warrant more severe action (See Attachment C, Class of Offense Guidelines).

Because one of the primary goals of this DO is to make discipline uniform and equitable throughout the agency, consideration of the guidelines for corrective action as well as consideration of both mitigating and aggravating circumstances is essential when determining the level of discipline to be imposed.

The Chart of Disciplinary Sanctions – Covered/Uncovered Employees (Attachment B)

This chart depicts the typical levels of discipline to be imposed for the various classes of offenses listed in Attachment C, Class of Offense Guidelines. This chart indicates the suggested level of discipline, from less serious to more serious, for the Class of Offense and for first, second and third offenses. Where a range of discipline exists, aggravating and mitigating considerations are used to determine the most appropriate action.

ATTACHMENT B

**CHART OF DISCIPLINARY SANCTIONS
COVERED/UNCOVERED EMPLOYEES**

CLASS	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
1	Written Reprimand	8 hrs.	16 hrs.
2	8 hrs.	16 hrs.	24 hrs.
3	16 hrs.	24 hrs.	40 hrs.
4	24 hrs.	40 hrs.	80 hrs.
5	40 hrs.	80 hrs.	Dismissal
6	80 hrs.	Dismissal	N/A
7	Dismissal	N/A	N/A

- Decision making cannot be delegated below the level of Approving Authority.
- Multiple violations in any class may result in the imposition of penalties in the next higher class.
- Aggravating circumstances may warrant the imposition of penalties in the next higher class. Mitigating circumstances may warrant the imposition of penalties in the lower class. (In appropriate circumstances, the mitigating circumstances do not need to be limited to the imposition of penalties to the next lower class.)
- Repetitive offenses in the same class of offense or similar misconduct or behavior that resulted in prior discipline, although of an unrelated nature, may be considered as an aggravating circumstance.
- Suspensions are generally imposed in multiples of 8 work hours.
- Involuntary demotions may be imposed when appropriate, i.e. to place the employee in a position more in line with the employee's abilities and when there is a reasonable prospect the employee can perform at an acceptable level.

NOTE: Conviction of a felony offense constitutes dismissal from State service.

ATTACHMENT C

CLASS OF OFFENSE GUIDELINES

The purpose of these guidelines is to assist covered, permanent employees in identifying prohibited or required, on or off duty or work related acts or behavior, and to assist management personnel in determining the relative severity of performance deficiencies or misconduct when initiating corrective discipline.

CLASS 1

- a. Failure to perform required duties.
- b. Failure to perform security functions.
 - Without negative results = **CLASS 1**
 - With negative results = **CLASS 7**

* Negative results is defined as any behavior directly or indirectly related to harm or injury to any staff, inmate, member of public, or state property.
- c. Failure to take corrective action when warranted, to include failing to report misconduct of subordinates and/or co-workers.
 - Without negative results = **CLASS 1**
 - With negative results = **CLASS 7**
- d. Failure to exercise proper supervision over employees.
- e. Failure to maintain and/or ensure proper maintenance of State property, equipment, materials or supplies.
- f. Allowing unauthorized personnel to enter work areas.
 - Outside of Perimeter = **CLASS 1**
 - Inside Perimeter = **CLASS 4**
- g. Improper disposition of seized, found or recovered property.
- h. Conducting outside/personal business on State time.
- i. Failure to comply with grooming standards.
- j. Conduct unbecoming an employee of the Department not described elsewhere in this DO, rule or statute.
- k. Failure to maintain prescribed records and/or accurately prepare prescribed reports, to include failure to properly investigate or complete necessary reports.
- l. Unauthorized absence.
- m. Committing other traffic violations while driving a state owned vehicle, to include, but not limited to speeding.

CLASS 2

- a. Needless abuse, reckless use of, or loss or damage to State equipment or property through neglect or carelessness.
- b. Improper use of identification/badge.
- c. Disregarding the orders and/or directives of a supervisor.
- d. Making an inaccurate statement or entry in any Departmental or state report, record, or application, or during a non-investigative interview or proceeding.

CLASS 3

- a. Disregarding safety rules.
 - Without negative results = **CLASS 3**
 - With negative results = **CLASS 7**
- b. Failure to exercise proper supervision over inmates or offenders.
 - Without negative results = **CLASS 3**
 - With negative results = **CLASS 7**
- c. Misuse and/or abuse of supervisory authority.
- d. Intentional failure to complete a Positive Attendance Report (PAR) or Employee Time Entry (ETE).
- e. Horseplay or hazing resulting in inattentiveness and/or causing the inattentiveness of others, damage, injury or death.
 - Without negative results = **CLASS 3**
 - With negative results = **CLASS 6**
- f. Failure to notify a supervisor of an investigation or disciplinary action by the respective licensing boards.
- g. Suspension, revocation or cancellation of one's driver's license, when such license is a requirement of a particular job or the utilization of a state vehicle.
 - 2-6 months = **Class 3**
 - Greater than 6 months = **Class 7**
- h. Use of abusive, profane, and/or insulting language.
- i. Failure to report police contact; or being notified that one is the subject of a criminal investigation; or that a criminal investigation has been commenced, with the following exceptions:
 - Routine traffic stops
 - Road blocks/sobriety checkpoints
 - Rendering assistance to law enforcement
- j. Commission or arrest of a less serious misdemeanor (off duty).

k. Failure to conduct security checks as required.

- Without negative results = **Class 3**
- With negative results – **Class 6**

* Adverse outcome is defined as any behavior that was directly or indirectly involved in an adverse outcome.

CLASS 4

a. Deliberate introduction of a non-state issue cell phone.

- Non-secure perimeter (i.e., hospital, offsite work crew) = **CLASS 5**
- Secure perimeter = **CLASS 7**

b. Failure to report arrest by the end of shift or by the end of the following workday, but no later than 24 hours from time of arrest.

c. Failure to intervene or respond when necessary.

- Minor = **CLASS 4**
- Major = **CLASS 6**

d. Unlawful or unauthorized possession of weapons on State property. (See A.R.S. §13-3102 or §13-3112)

e. Leaving an assigned post or failing to return to an assigned post as scheduled, without authorization of a supervisor.

CLASS 5

a. Unauthorized accessing or acquisition of sensitive information, confidential reports and other materials.

b. Violation of Standards of Conduct for State employees.

c. Obtaining interview and/or test questions in advance.

d. Knowingly operating a State vehicle without a valid Driver License.

e. Reckless, negligent, or improper use, handling, or display of non-lethal weaponry, chemical agents or other types of tools or equipment related to security.

f. Disregarding written directives, policies, guidelines or procedures.

g. Undue familiarity or association with inmate/offender's family or friend.

h. Sleeping on duty or assuming a position of repose.

CLASS 6

a. Close, personal, private contact or other inappropriate behavior with an inmate, or offender.

- b. Accepting or borrowing from and/or giving or lending to an inmate/offender something of value or in excess of allowed limits. (Violation of A.R.S. §31-204, Interest of Employee in Contracts (a); Gifts to or from Prisoner (b), to include bartering or dealing with a prisoner.)
- c. Filing false complaints.
- d. Divulging criminal records or protected information of one person to another, except when necessary to conduct Department business.
- e. Intentional damage to State equipment.
- f. Making unauthorized modifications to/or deletions from State records.
- g. Reckless, negligent or improper use, handling, or display of firearms.
 - In public = **CLASS 7**
- h. Failure to report first-hand knowledge of felony, and/or any misdemeanor activity occurring on duty, by other employee(s).
- i. Knowingly submitting forged medical documentation.
- j. Failing to answer truthfully when questioned and/or when information is requested during an investigation, hearing fact-finding or judicial proceeding.
- k. Refusal to undergo a search of person or property.
- l. Commission of, arrest, participation in, or involvement in a serious misdemeanor occurring off duty, including, but not limited to domestic violence arrest.
- m. Loss of a state issued firearm.
- n. Commission or arrest of a misdemeanor DUI occurring off duty.
 - Extreme DUI or DUI resulting in a felony charge = **CLASS 7**

CLASS 7

- a. Intentional unauthorized disclosure of confidential material.
- b. Intentional untruthfulness, to include knowingly making a verbal or written statement in any Departmental or State report, record, or application.
- c. Accepting or soliciting a bribe or gratuity.
- d. Abandonment of inmate patient.
- e. Failure to Discharge Duties - intentionally failing to discharge custodial responsibility if such failure results in an escape of an inmate or the serious physical injury or death of another person. (See A.R.S. §13-2513)
- f. Sexual contact, oral sexual contact or sexual intercourse with an inmate or any offender under the supervision of the Department. (See A.R.S. §13-1419)

- g. Possessing, buying, introducing or selling contraband on State property.
- h. Violation of A.R.S. §13-2505 – Promoting prison contraband.
- i. Sexual misconduct on State time and/or involving State property or equipment.
- j. Violation of A.R.S. §38-448, access to internet pornography prohibited.
- k. Threat of physical violence against another person or their property.
- l. Using or permitting the use of unnecessary force towards an inmate/offender or physical mistreatment of an inmate/offender.
- m. Discriminating against or harassing another employee because of that person's race, color, sex, pregnancy, sexual orientation, religion, national origin, age, military or veteran status, political affiliation, disability or genetic information.
- n. Knowingly consuming intoxicating beverages while on duty and/or during breaks which occur during normally scheduled business work hours.
- o. Being under the influence of an intoxicant or other substance while on duty (A.R.S. §31-203. Persons disqualified as officers or employees).
- p. Unauthorized possession of or being under the influence of narcotics or controlled substances, other than a drug prescribed to the employee by a licensed physician, whether on or off duty.
- q. Refusal to submit to Random or Reasonable Suspicion Drug/Alcohol Testing.
- r. Commission of and/or participation in a criminal and/or traffic felony offense occurring either on or off duty.
- s. Stealing, fraudulent activity or misappropriation of funds or property of the state or another employee.
- t. Failure to self-disclose domestic violence conviction. [18 U.S.C.A. "917, 922 (Federal Gun Control Act of 1968) as amended, effective October 1, 1996]
- u. Failure to maintain certifications or licenses as required.
- v. Falsification of a PAR or ETE in violation of A.R.S. §39-161.
- w. Willful or negligent misrepresentation or omission on an application for employment, resume or other personnel forms. The falsification must deal with a material fact that would have adversely affected the employee's selection.

POLITICAL ACTIVITY

- l. An employee shall not engage in the following activities while on duty, while in uniform, or at public expense:
 - a. Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues. **CLASS 2**
 - b. Sign nomination or recall petitions. **CLASS 2**

- c. Make contributions to candidates, political parties or campaign committees contributing to candidates or advocating the election or defeat of candidates. **CLASS 2**
- d. Circulate candidate nomination petitions or recall petitions. **CLASS 2**
- e. Engage in activities to advocate the election or defeat of any candidate. **CLASS 2**
- f. Solicit or encourage contributions to be made directly to candidates or campaign committees contributing to candidates or advocating the election or defeat of candidates. **CLASS 2**

II. No employee shall:

- a. Solicit any employee or a member of the Personnel Board to engage or not engage in any authorized political activities with direct or indirect use of any threat, intimidation or coercion, including threats of discrimination, reprisal, force or any other adverse consequence including loss of any benefit, reward, promotion, advancement or compensation. **CLASS 7**
- b. Subject any employee or a member of the Personnel Board engaging in authorized political activities to any direct or indirect discrimination, reprisal, force, coercion or intimidation or other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation. **CLASS 7**
- c. Subject any employee or member of the Personnel Board who chooses not to engage in any authorized political activity to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation. **CLASS 7**
- d. Advocate or have membership in an organization that advocates overthrow of the government of the United States, or the State, by force, violence or other unlawful means. **CLASS 7**
- e. Renounce citizenship or allegiance to the United States or allegiance to the laws of the State of Arizona; or take an oath of allegiance or otherwise pledging allegiance to any foreign country or organization that advocates the violent overthrow of the government of the United States or the State of Arizona. **CLASS 7**

III. With the exception of those employees identified under A.R.S. §41-742(F), no employee shall:

- a. Serve as an officer or chair of a committee of a partisan political club. **CLASS 2**
- b. Be a member of any national, state or local committee of a political party. **CLASS 2**
- c. Use any political endorsement in connection with any appointment to a position in the state service. **CLASS 2**
- d. Use or promise to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration. **CLASS 2**
- e. Become a candidate for nomination or election to any paid public office. (Nomination does not occur until an employee files nomination papers and becomes a candidate under A.R.S. §16-311.) **CLASS 3**
- f. Hold any paid, elective public office. **CLASS 3**
- g. Take part in the management or affairs of any political party or in the management of any partisan or non-partisan campaign or recall effort. **CLASS 3**

ATTACHMENT D

SERIOUS MISDEMEANOR OFFENSES

The following serious misdemeanor criminal offenses shall be addressed administratively and corrective disciplinary action initiated:

1. Crimes of violence against another person where physical force is used or threatened.
2. Offenses involving public sexual activity.
3. Offenses involving children.
4. Offenses involving the suspension/revocation/cancellation of one's driver's license, when the involved employee's job requires such licensing.
5. Any offense/crime where there is significant adverse publicity and/or public feedback.

ATTACHMENT E

CHART OF DISCIPLINARY SUSPENSIONS

POSITION	TYPE OF SUSPENSION	NUMBER OF HOURS	APPEAL PROCESS
Covered FLSA Non-Exempt	Without Pay	80 hours or less	Grievance
		40 hours or less for full authority peace officers	
Covered FLSA Exempt	With Pay*	80 hours or less 40 hours or less for full authority peace officers	Grievance
	Without Pay	40 or 80 hours 40 hours or less for full authority peace officers 80 hours or less for full authority peace officers	Grievance Appeal
Uncovered FLSA Non-Exempt	Without Pay	Any Amount	None
Uncovered FLSA-Exempt	With Pay*	Any Amount	None
	Without Pay	40 or 80 hours	

ATTACHMENT F

COMMERCIAL DRIVER’S LICENSE (CDL) DISCIPLINARY ACTIONS

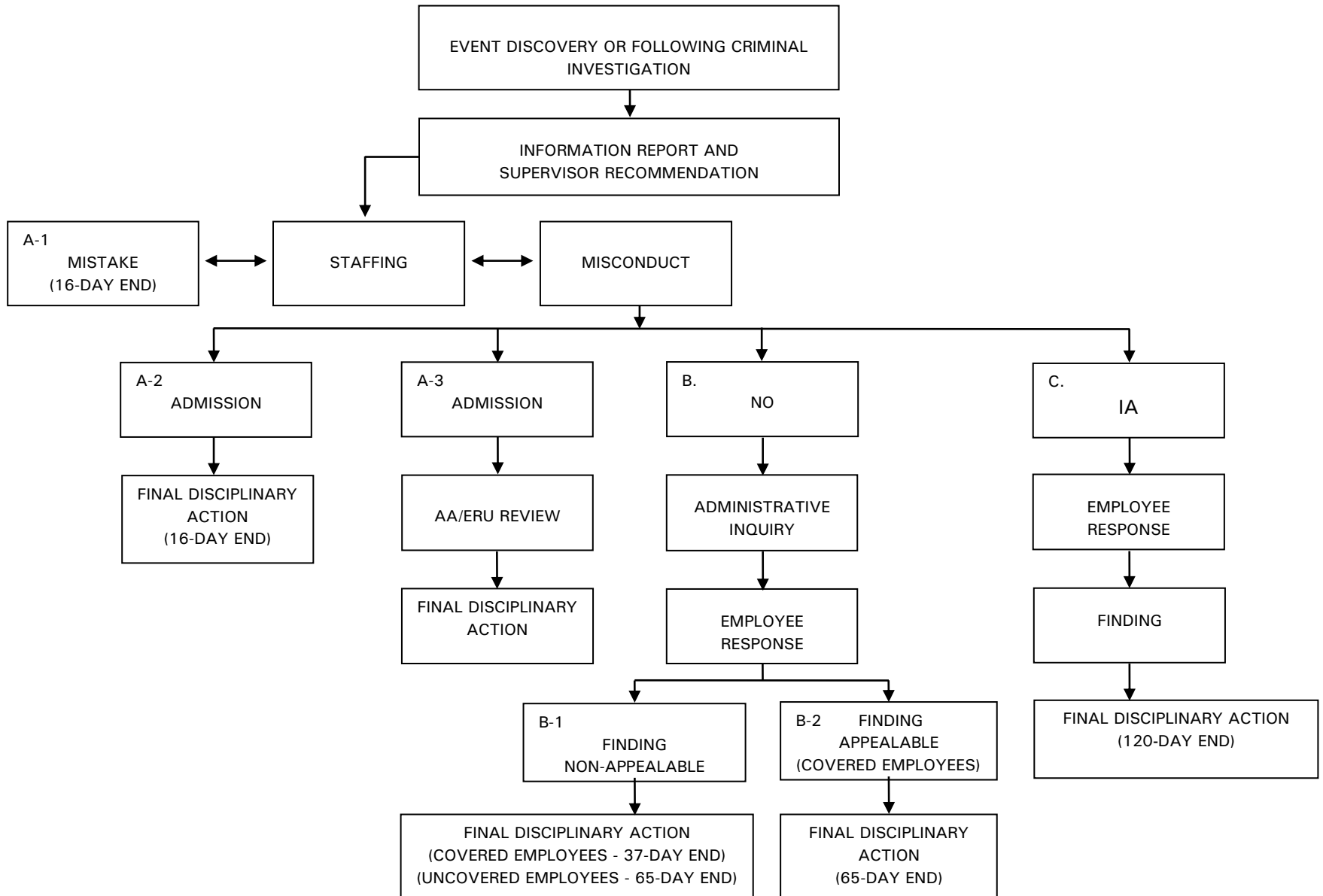
The following responses that result from specific types of behavior or performance are directed by Federal Rule or by Departmental policy.

EMPLOYEE ACTION	ADCRR RESPONSE
Refusal to submit to alcohol or drug test; failure to proceed to nearest test site in a timely manner; failure to provide adequate sample for testing.	Removal from performing safety sensitive functions. 1 st Offense – Dismissal
Attempt to interfere, alter, substitute or in any way affect the outcome of the alcohol or drug test.	Removal from performing safety sensitive functions. 1 st Offense – Dismissal
Test Positive for a controlled substance and the employee did not self-identify before the testing.	Removal from performing safety sensitive functions. 1 st Offense – Dismissal
Alcohol test result of between 0.02 and 0.039 (inclusive).	Removal from performing safety sensitive functions for 24 hours from the time of testing. 1 st Offense Alcohol Concentration .001 - .020 – Letter of Concern Alcohol Concentration .021 - .039 – 16-Hour Suspension Alcohol Concentration .040 - .099 – 40-Hour Suspension Alcohol Concentration .100 or above – Dismissal 2 nd Offense - Dismissal
Confirmed determination that an employee tested at 0.04 or greater for alcohol.	Removal from performing safety sensitive functions. 1 st Offense – 40 hour suspension to Dismissal 2 nd Offense - Dismissal
Reporting to work within four hours of consuming alcohol (separate from alcohol level).	Removal from performing safety sensitive functions for 24 hours. Leave without pay will be charged. Referral to a collection site for testing. (Discipline – See alcohol test result of between 0.02 – 0.039)
Using alcohol or prohibited drugs in the eight hour period following an accident or before completing a post-accident alcohol or drug test.	Removal to a collection site for testing. (Discipline – See alcohol test result of between 0.02 – 0.039 and if test result is positive for controlled substances – Dismissal)

<p>Performing safety sensitive functions when using any over-the-counter medication or prescribed drug that affects the employee’s ability to safely operate a vehicle.</p>	<p>Removal from performing safety sensitive functions until cleared in writing by a licensed physician. 1st Offense – Verbal Warning 2nd Offense – Written Reprimand 3rd Offense – Suspension (Discipline – See alcohol test result of between 0.02 – 0.039)</p>
<p>During any Department work time, use, sell, purchase, or have in possession alcohol or drugs that may cause impairment (does not include possession of use of over-the-counter medications or legally prescribed drugs).</p>	<p>Removal from performing safety sensitive functions. 1st Offense – Dismissal</p>
<p>Refusal to enter or failure to successfully complete a required rehabilitation program.</p>	<p>1st Offense – Dismissal</p>
<p>Involvement in an accident and tests positive for drug/alcohol usage.</p>	<p>1st Offense – Controlled Substance - Dismissal 1st Offense – Alcohol Concentration: .001 - .020 – Letter of Concern .021 - .039 – 16-Hour Suspension .040 - .099 – 40-Hour Suspension .100 or above – Dismissal</p>
<p>Suspension of an employee’s driver license due to a “driving under the influence” arrest.</p>	<p>1st Offense – Suspension or Dismissal 2nd Offense - Dismissal</p>
<p>Failure to report a conviction of drug-related Statute violation within five workdays of conviction.</p>	<p>1st Offense – Suspension or Dismissal 2nd Offense - Dismissal</p>

ATTACHMENT G-1

DECISION TREE



ATTACHMENT G-2**A. CASES REQUIRING NO INTERNAL AFFAIRS INVESTIGATION****Day Mistake or Misconduct with Admission**

1. Incident (initiation based upon Approving Authority becoming aware of incident or when the employee becomes the principal of the investigation)
 - A-1: Non-Appealable Disciplinary Action – Mistake:
 - If all necessary information is available and the employee admits to the behavior, but it is determined to be a mistake, no formal action required (possible training, performance appraisal entries, oral redirection).
 - A-2: Non-Appealable Disciplinary Action – Misconduct:
 - If all necessary information is available and the employee admits to the behavior, final disciplinary is issued.
 - A-3: Appealable Disciplinary Action
 - If all necessary information is available and the employee admits to the behavior, allow for 15 calendar days of Approving Authority / Employee Relations Unit review.
16. Final Disciplinary Action completed / AAG copied.

B. CASES REQUIRING ADMINISTRATIVE INQUIRY**Day Misconduct without Admission**

1. Incident (initiation based upon Approving Authority becoming aware of incident or when the employee becomes the principal of the investigation)
 - B-1: Non-Appealable Disciplinary Action – (covered and uncovered employees)
 7. Administrative Inquiry issued.
 15. Employee response received.
 37. Administrative Inquiry complete (all necessary information is available). Final disciplinary issued.
 65. For uncovered employees only - Employee Relations Unit completes review. Final disciplinary action issued.
 - B-2: Appealable Disciplinary Action – (covered employees)
 7. Administrative Inquiry issued.
 15. Employee response received.
 37. Administrative Inquiry complete (all necessary information is available).
 47. Approving Authority and Employee Relations Unit review complete. Final disciplinary issued.
 67. Employee Relations Unit completes review. Final disciplinary action issued.

C. CASES REQUIRING ADMINISTRATIVE INQUIRY & INTERNAL AFFAIRS INVESTIGATION**Day**

1. Incident (initiation based upon Approving Authority becoming aware of incident or when the employee becomes the principal of the investigation)
7. Administrative Inquiry issued.
15. Employee response received.

37. Administrative Inquiry complete. Internal Affairs Investigation begins.
67. Investigation complete.
77. Approving Authority and Second Level review complete.
100. Employee Relations / Assistant Director Review complete. (AAG consultation, if necessary)
109. Approving Authority issues Notice of Charges.
113. Employee response to Notice of Charges.
120. Final Disciplinary Action served to employee.

D. INTERNAL AFFAIRS (IA) INVESTIGATION: INMATE DEATH

Day

65. The investigation is initiated and completed within 65 calendar days from the date of discovery. The Internal Affairs (IA) investigation may be delayed if a criminal investigation is also required.

- All death investigations shall be approved by the Inspector General or designee before being distributed. Once approved, the investigation will be sent to the affected Warden/Administrator and Assistant Director for Prison Operations for review.

3. The affected Warden/Administrator will have up to three (3) calendar days after the investigation is submitted to complete their initial review and complete a draft of any recommendations regarding necessary complex corrective action, staff accountability, and/or other recommended actions. The initial review and draft recommendations shall be sent to the Assistant Director for Prison Operations.

10. The Assistant Director for Prison Operations or designee will have up to five (5) calendar days after the investigation is submitted to complete their review. The Assistant Director may, when necessary, extend their deadline by an additional five (5) calendar days for a total of up to ten (10) calendar days from receipt of the investigative report.

- Once the investigation has been reviewed, final recommendations shall be provided to the Director, Deputy Director, and Complex Warden. As part of their review, the Assistant Director may consult with the Director and Deputy Director regarding corrective action and accountability steps to be taken during this timeframe.

Once the above has been completed then one of the following shall then occur:

- A. A memo will be issued indicating no further action is required, no staff culpability was found, and/or complex operational action taken. (Sent to IA for closeout.)
- B. A memo will be issued to the affected Warden/Administrator to identify the need for corrective action. Any staff member identified as a principal is then issued an Administrative Inquiry, Form 601-1, as outlined in this DO. The corresponding case number issued on the IA investigative report shall be used on the Administrative Inquiry form.

30. The Warden/Administrator in consultation with the Employee Relations Unit will have up to 30 calendar days to finalize any recommended discipline once received from the Assistant Director for Prison Operations or designee.

10. The Warden/Administrator will have up to ten (10) calendar days to issue a Notice of Charges to the affected employee. The employee will then have up to five (5) calendar days to respond.

120. The Final Disciplinary Action will be served to the employee within 120 calendar days unless an approved extension was granted.