

I. RESULTS OF ALL REVIEW BOARDS, DISCIPLINARY ACTIONS, AND FORMAL GRIEVANCES

Copies of the results of all Review Boards, disciplinary actions, and formal grievances must be forwarded to the Personnel Unit for filing. It is the responsibility of each Review Board Chairperson or appropriate Commander to ensure that this is accomplished.

II. MEDICAL REVIEW BOARD

The Medical Review Board shall consist of the Administration Division Commander, who acts as Chairperson, Staff Services Commander, Personnel Medical Supervisor, Legal Advisor, Pima County Risk Manager, and the Department Risk Manager.

- A. The Review Board shall meet as directed by the Chairperson.
- B. The Review Board shall evaluate the progress and status of Department members with temporary medical conditions to determine when and if a member will be able to return to full duty.
- C. If a member is unable to return to full duty, the Medical Review Board shall consider the operational needs of the Department and the progress of the member toward fitness for duty. The Board shall make a recommendation to the Sheriff for continuation of temporary medical condition status or issue a finding of a permanent medical condition. In the event of permanent medical condition, the Board shall make a recommendation for layoff, disability retirement, or other options afforded by County policies and local, state, and federal law.

III. PRE-END-OF-PROBATION EXECUTIVE REVIEW BOARD

- A. A Pre-End-of-Probation Executive Review of all corrections officers and deputy sheriffs shall be conducted to determine whether these Department members have met the minimum requirements to continue employment with the Department. The Personnel Unit Supervisor shall coordinate the executive review process.

B. Records Review

Specific areas that shall be considered during the Executive Review include:

1. Personnel Record
2. Internal Affairs Record
3. Training – CTO / FTO Record
4. Monthly Employee Performance Appraisal Forms
5. End-of-Probation Employee Evaluation

C. Members of the Pre-End-of-Probation Executive Review Board are as follows:

1. Employee's Bureau Chief
2. Employee's Division Commander
3. Administration Division Commander
4. Staff Services Section Commander
5. Employee's District/Section Commander
6. Office of Professional Standards Commander
7. Personnel Supervisor
8. Training Supervisor

D. After the Executive Review, all End-of-Probation Appraisal Forms shall be discussed with the Department member, along with the results from the Pre-End-of-Probation Review. These documents will be signed and dated by the member and the Sergeant prior to being forwarded to the Personnel Unit. All documents will be placed in the member's personnel file.

IV. TRAFFIC COLLISION REVIEW BOARD

- A. Traffic Collision Review Boards shall conduct administrative hearings to investigate collisions or other incidents involving Pima County Sheriff's Department vehicles to determine whether the collision was preventable, preventable with extenuating circumstances, or non-preventable, and whether an infraction of Department rules, regulations, procedures, or Arizona Revised Statutes occurred. This Board shall be used in place of the Department Review Board as outlined in this chapter.

The Board may be convened at the request of a chief when a Department member appeals the finding of the Traffic Unit's Administrative Review. The appeal request shall be made to a chief for review.

- B. The Sheriff, or his designee, shall select the members for a Traffic Collision Review Board and shall convene the Board by notifying all concerned parties, in writing, of the location, date, and time of the hearing.
- C. Composition, Power, and Responsibility of Traffic Collision Review Boards
1. The Board shall consist of at least three (3) members selected by the Sheriff, or his designee, of the following ranks:
 - a. Two (2) members of the same rank as the member appearing before the Board
 - b. One (1) member of a superior rank
 2. The Chairperson of the Traffic Collision Review Board shall be the senior ranking member of the Board and shall preside over the proceedings and maintain order.
 3. The Department member appearing before the Board shall not face any member of the Board who is of a lesser rank. Civilian members shall face a Board comprised of one (1) lieutenant or sergeant and two (2) deputies.
 4. A member facing a Traffic Collision Review Board may challenge that Board's membership only once.

5. At least one (1) deputy with expertise in traffic investigation shall be a member of each Traffic Collision Review Board. This deputy shall not have been involved in the Traffic Unit's Administrative Review of the case before the Board.
6. The Traffic Collision Review Board shall have intra-departmental powers to subpoena members to give testimony. Such a subpoena shall constitute a direct order to appear and testify before the Board.
7. The Chairperson shall ensure that a written record is maintained of all Traffic Collision Review Board proceedings. This record shall include the names of all persons involved, time and location of the hearing, and any other relevant information concerning the proceedings.

D. Rights and Duties of Department Members Appearing Before a Traffic Collision Review Board

1. Members may be present during the presentation of all testimony and may cross-examine all witnesses who are called to testify.
2. Members may call witnesses to testify on their behalf.
3. Members may consult with other persons before a Traffic Collision Review Board but shall represent themselves during the Board's proceedings.

E. Traffic Collision Review Board Findings

1. The Board shall establish, by majority vote, the following:
 - a. Whether the collision or incident was preventable, preventable with extenuating circumstances, or non-preventable
 - (1) Non-Preventable
 - (a) The member directly responsible for the vehicle exercised reasonable care in the operation of the vehicle.
 - (b) Circumstances contributing to the collision or incident were reasonably beyond the control of the member.

- (2) Preventable With Extenuating Circumstances
 - (a) Avoidance of the collision or incident was reasonably within the control of the member.
 - (b) If extenuating circumstances existed, disciplinary action may be waived at the discretion of a chief.
 - (c) Judgment in this category must be thoroughly explained by the Traffic Collision Review Board.
- (3) Preventable
 - (a) Avoidance of the collision or incident was reasonably within the control of the member.
 - (b) There was a failure to exercise reasonable care in the operation of the vehicle and/or a violation of law, Department rules, regulations, or procedures.
- b. In cases where enforcement action has not already been taken, whether a violation of Arizona Revised Statutes occurred
- c. If a violation of Department rules, regulations, or procedures occurred
- d. If the member committed the violation
- e. If further investigation or information is required to conclude the review
2. The Chairperson of the Traffic Collision Review Board shall, within two (2) business days of a hearing, forward a written report to the Sheriff summarizing the Board's findings.
3. The Traffic Collision Review Board's report is only advisory.

F. Issuing of Citations

1. If a Traffic Collision Review Board determines that a violation of Arizona Revised Statutes has occurred, and enforcement action has not already been taken, the Board Chairperson shall return the case to the Fleet Manager who will forward the case to the Traffic Unit Supervisor.
2. The Traffic Unit Supervisor shall complete the appropriate citation(s) and forward the citation(s) to the Department member's commander for service within the time limits pursuant to A.R.S. § 28-1592.
3. The member's commander or designee shall be responsible for insuring the citation is served in person, by the commander, or his/her designee.
4. Once served, a copy of the citation shall be forwarded to the Traffic Unit Supervisor to confirm service. The citation copy shall have noted the date and time of service and shall be initialed by the server.
5. The Traffic Unit Supervisor shall forward the citation copy to the Material Management Section for placement in the Traffic Collision File.
6. The Traffic Unit Supervisor shall be responsible for follow-up on the service of the citation if he/she has not received confirmation on the service of the citation within ten (10) days of the citation preparation date. If he/she has not received the served citation copy, the Special Operations Section Commander shall be notified and shall take appropriate action.

G. Disciplinary Action and Remedial Training for Preventable Traffic Collisions

1. Members who are found by a Traffic Collision Review Board to have been responsible for a preventable traffic collision, or in some cases a preventable traffic collision with extenuating circumstances, are subject to disciplinary action and remedial training.

2. The following are general guidelines for preventable traffic collision discipline:
 - a. Disciplinary action will be considered based upon the member's driving record, the nature of a traffic collision, and/or the disciplinary history of the member.
 - b. A Preventable Traffic Collision Form shall be completed prior to issuing any disciplinary action.
 - c. A chief shall review all disciplinary actions for preventable collisions prior to the discipline being administered.
3. The Department's Safety Officer shall:
 - a. Schedule the member for remedial driver's training within thirty (30) days of receipt of the notice to attend
 - b. Forward a memo documenting the member's participation in remedial driver's training to the Training Center and the Material Management Section
 - c. Follow-up with the member at six (6) and twelve (12) months to review training material and identify positive changes in driving behavior

V. SHOOTING REVIEW BOARDS

- A. The Officer Involved Shooting Review Board (OIS), shall conduct administrative hearings to investigate the circumstances of any shooting incident involving a department member. A Board will serve as the department's administrative investigation. The Office of Professional Standards (OPS) shall be responsible for tracking the process.
- B. If the case is referred to the County Attorney's Office, the OIS Board should be conducted after final review is complete and an official record is received from the County Attorney.
- C. The department member shall be provided with a Right to Representative notice and served a Notice of Investigation prior to the Board.

D. Shooting Review Board Composition

1. Members will be selected by the Board Chairperson in consultation with the affected bureau's Chief.
2. Members who were involved in, or were a witness to, the incident shall not be appointed as a voting member of the Board. In this case, the appropriate Bureau Chief may select alternate members for the board.
3. The Board shall be comprised of the following representatives, unless an exception is made by a Chief:
 - (a) The member's Division Commander, who shall serve as Chairperson of the Board and coordinate the process.
 - (b) The Office of Professional Standards (OPS) Division Commander who will be a non-voting member.
 - (c) The commissioned member's District/Section Commander or the corrections member's Section Commander, if firearms qualified. If the corrections member's Section Commander is not firearms qualified then a Corrections Lieutenant who is firearms qualified.
 - (d) One (1) member of equal rank to that of the involved member who in all cases must be firearms qualified.
 - (e) The Training Section Supervisors, who shall attend in a non-voting, advisory capacity
 - (f) The Officer Involved Shooting (OIS) Unit Supervisor and the lead investigator, who shall attend in a non-voting, advisory capacity.
 - (g) An OPS supervisor who will act as scribe and prepare the final report. The OPS supervisor will be a non-voting member.
 - (h) Communications Manager or Communications Training Supervisor in a non-voting capacity at discretion of the chair.

E. Timelines

1. The Board Chairperson should coordinate and schedule the Board within ten (10) business days of receiving an official record from the County Attorney.
2. Boards should be conducted within thirty (30) calendar days after receiving official record from the County Attorney.
3. The investigative summary should be completed by the Office of Professional Standards (OPS) and signed off by Board members within fifteen (15) business days after the Board.
4. Board findings and recommendation should be forwarded to the Sheriff within five (5) business days.
5. Upon receipt of the Sheriff's finding in the case, the Shooting Review Board Chairperson shall, within five (5) business days, forward a written notification of the findings to the involved member.
 - (a) The notification shall state whether the member's actions were in compliance with department policies and standards.
 - (b) The Chairperson may also elect to discuss the findings with the member.

F. The Shooting Review Board shall examine all investigative data and may interview involved department members and applicable witnesses. The Shooting Review Board shall evaluate the incident in order to:

1. Review the tactics used by the member before, during, and after the shooting
2. Assess the member's judgment, training, and compliance with applicable department policies and standard operating procedures (SOPs)
3. Recommend changes in specific department policies or training procedures, if necessary

- G. Upon completion of the Shooting Review Board's evaluation, the Office of Professional Standards (OPS) Commander and Supervisor shall meet with the Board Chairperson and prepare a written report of the Board's findings.
 - 1. The written report shall be forwarded to the Chairperson for review.
 - 2. The Chairperson shall prepare a recommendation and forward to the Sheriff, via chain of command.

- H. Upon receipt of the Sheriff's finding in the case, the Shooting Review Board Chairperson shall, within five (5) business days, forward a written notification of the findings to the involved member.
 - 1. The notification shall state whether the member's actions were in compliance with department policies and standards.
 - 2. The Chairperson may also elect to discuss the findings with the member.

- I. Members who are found by the Shooting Review Board to have failed to comply with applicable department policies and/or have been found to have deficiencies in judgment or training, or lack appropriate knowledge of law enforcement tactics, are subject to disciplinary action and/or remedial training.

- J. The Shooting Review Board Chairperson shall be responsible for forwarding the final report to Office of Professional Standards (OPS) for archiving.

VI. IN-CUSTODY DEATH REVIEW BOARDS

- A. The In-Custody Death Review Board shall conduct administrative hearings to investigate the circumstances of any incident involving any person who dies while in physical custody or while under arrest or detention. This policy is applicable to both the Corrections Bureau as well as all commissioned members. The In-custody Death Review Board should generally follow the format of an Officer Involved Shooting (OIS) Board.

- B. If the case is referred to the County Attorney's Office, the In-Custody Death Review Board should be conducted after final review is complete and an official record is received from the County Attorney.

- C. The involved department member shall be provided with a Right to Representative notice and served a Notice of Investigation prior to the Board.
- D. In-Custody Death Review Board Composition
1. Members will be selected by the Board Chairperson in consultation with the affected bureau's Chief.
 2. Members who were involved in, or were a witness to, the incident shall not be appointed as a voting member of the Board. In this case, the appropriate Bureau Chief may select alternate members for the board.
 3. The Board shall be comprised of the following representatives, unless an exception is made by a Chief:
 - (a) The member's Division Commander, who shall serve as Chairperson of the Board and coordinate the process.
 - (b) The Office of Professional Standards (OPS) Division Commander who will be a non-voting member.
 - (c) The member's District/Section Commander.
 - (d) One (1) member of equal rank to that of the involved member.
 - (e) The Training Section Supervisors, who shall attend in a non-voting, advisory capacity.
 - (f) The Homicide Unit Supervisor and the lead investigator who shall act as lead witness in a non-voting capacity.
 - (g) An OPS supervisor who will act as scribe and prepare the final report. The OPS supervisor will be a non-voting member.
 - (h) Communications Manager or Communications Training Supervisor in a non-voting capacity at discretion of the chair.

- E. The In-Custody Death Review Board shall examine all investigative data and may interview involved department members and applicable witnesses. The Board shall evaluate the incident in order to:
 - 1. Assess judgment, training, and compliance with applicable department policies and Standard Operating Procedures (SOPs).
 - 2. Recommend change in specific department policies or training procedures, if necessary.
- F. Timelines for In-Custody Death Review Boards should be consistent with Officer Involved Shooting (OIS) Board timelines.

VII. EVALUATION MEETING FOR IN-CUSTODY DEATH CASES AND OFFICER INVOLVED SHOOTING (OIS)

- A. The relevant Division Commander should coordinate a stakeholder meeting between department members and County agencies to discuss general facts of the case. Attendees may include Command Staff, Legal Advisor, Department Risk Manager, County Physician, County Attorney, County Risk Manager, and any other person(s) applicable to the case.
- B. The purpose of this meeting is for information sharing between stakeholders. This allows County partners to familiarize with basic facts of the case.

VIII. OTHER DEPARTMENT REVIEW BOARDS

- A. Review Boards have been established to provide a method for evaluating actions taken by department members that merit further discussion for many possible reasons. Boards will be convened at the discretion of the Sheriff and will serve as the department's administrative investigation. Boards may review matters or incidents as follows:
 - 1. Department Rules and Regulations, and procedures do not adequately address the matter.
 - 2. Failure to evaluate and consider policy revisions pertaining to the results of the action would place the department in an indefensible position.
 - 3. Other review boards do not have purview over the matter.

- B. Review Boards serve as fact-hearing bodies for incidents involving members of the department that merit further inquiry.
- C. If the case is referred to the County Attorney's Office, the Board should be conducted after final review is complete and an official record is received from the County Attorney.
- D. The department member shall be provided with a Right to Representative notice and served a Notice of Investigation prior to the Board.
- E. The Sheriff shall select Review Board members and convene the Board by notifying all concerned parties in writing of the location, date, and time of the hearing.
- F. Composition, Power, and Responsibility of Review Boards
 - 1. The Board shall consist of at least three (3) members of the following ranks:
 - a. One (1) member of the same rank as the member appearing before the Board
 - b. Two (2) members of a superior rank
 - 2. The Chairperson of the Board shall be the senior ranking member of the Board.
 - 3. The involved department member appearing before the Board has the privilege of one (1) preemptory challenge regarding Board membership.
 - 4. The member appearing before the Board shall not face any member of the Board who is of lesser rank.
 - 5. The Board Chairperson may appoint or call upon advisors with expertise in specific areas to provide information.
- G. Review Board Findings
 - 1. The Board shall establish whether or not:
 - a. A violation of Department Rules and Regulations, or procedures occurred

- b. The involved member committed the violation
 - c. Whether or not the involved member(s) exercised sound judgment within training and department expectations.
2. The Chairperson of the Review Board shall, within five (5) business days of a hearing, forward a written report to the Sheriff summarizing its findings.
 3. Upon final disposition, the Chair shall be responsible for forwarding the final report to the Office of Professional Standards (OPS) for archiving.

IX. DISCIPLINARY ACTION

- A. All disciplinary action shall comply with the Pima County Personnel Policies, Pima County Merit System Rules, Pima County Law Enforcement Merit System Rules, and Department Rules and Regulations, and procedures.
- B. Members of the department may be subject to disciplinary action for failure to observe the provisions of the Pima County Personnel Policies, Pima County Merit System Rules, Pima County Law Enforcement Merit System Rules, and Department Rules and Regulations, and procedures.
- C. Informal disciplinary action may take one (1) or more of the following forms:
 1. Verbal Counseling
 2. Documented Verbal Counseling

An “Acknowledgment of Verbal Counseling” letter shall be signed by the member.
 3. Letter of Counseling

The letter of counseling shall be signed by the member and the appropriate commander or manager.
 4. Informal disciplinary actions will be purged in compliance with the applicable Merit System Rules.

- D. Formal disciplinary action may take one (1) or more of the following forms:
1. Letter of Reprimand
 2. Suspension for Cause
 3. Demotion for Cause
 4. Dismissal for Cause
- E. The following levels of authority may discharge disciplinary action as indicated:
1. First-line supervisors may administer:
 - a. Verbal Counseling
 - b. Documented Verbal Counseling
 - c. Recommendation of a more severe form of disciplinary action
 - d. Request for a Review Board
 2. District/Section Commanders, Corrections Lieutenants, and Managers may administer:
 - a. Verbal Counseling
 - b. Documented Verbal Counseling
 - c. Letters of Counseling
 - d. Recommendation of a more severe form of disciplinary action
 - e. Request for a Review Board
 3. Division Commanders and Corrections Captains may administer:
 - a. Verbal Counseling
 - b. Documented Verbal Counseling

- c. Letters of Counseling
 - d. Letters of Reprimand (signed by the Sheriff)
 - e. Recommendation of a more severe form of disciplinary action
 - f. Request for a Review Board
4. Only the Sheriff and/or Chiefs may suspend, demote, or dismiss a department member. The Sheriff and/or Chiefs may also administer any of the aforementioned forms of discipline.
- F. The Sheriff or a Chief must sign all letters of reprimand; therefore, when a Commander issues such a letter, it shall be forwarded to the Sheriff for signature. If the Sheriff or a Chief signs the letter of reprimand, it shall be returned to the Commander who may then administer the discipline.
- G. Procedures for Administrative Suspension/Leave of Department Members
- 1. Whenever it is deemed necessary as a result of a flagrant violation of an established Department Rules and Regulations, or procedure, any supervisor may relieve from duty any subordinate member of the department in order to preserve good order, efficiency, and discipline.
 - a. When a member is relieved from duty, the supervisor so ordering shall, as soon as practicable, but within thirty-six (36) hours, notify the Sheriff or Chief in writing by presenting all the circumstances that resulted in the supervisor's action.
 - b. Even though relieved from duty by a supervisor, a member is not suspended or placed on leave until the Sheriff or a Chief orders the suspension or leave.
 - 2. Conduct During Suspension/Leave
 - a. Members on suspension or leave shall remain subject to Department Rules and Regulations, and procedures.
 - b. Members on suspension or leave shall not wear their uniforms.
 - c. Members on suspension or leave shall have no law enforcement authority.

- d. Members on suspension or leave shall be ineligible to receive any special assignment pay, holiday pay, or on-call pay.
- e. Members on suspension or leave shall be prohibited from working off-duty or outside employment.

X. ADMINISTRATION OF DISCIPLINARY ACTIONS

A. Supervisors' Obligations

In administering disciplinary actions, supervisors shall take the following actions:

- 1. Advise the department member involved of the reason for disciplinary action
- 2. Advise the member involved what disciplinary action has been taken and explain the ramifications of the action
- 3. Advise the member involved of grievance or appeals procedures available. In cases of dismissal, demotion, or suspension, a copy of the Employees' Guide to the Appeal Process shall be attached to the notification of the particular action.
- 4. Forward copies of the disciplinary action to the Personnel Unit for placement in the member's file

B. Members' obligations: They shall sign the notice of disciplinary action, indicating receipt. This signature does not preclude a member from grieving or appealing the disciplinary action, nor does it indicate agreement with the action.

XI. GRIEVANCE AND APPEALS PROCEDURES

A. General Provisions

- 1. Permanent department members are guaranteed the right to utilize the grievance process without fear of intimidation or coercion or in any way jeopardizing their employment with the Pima County Sheriff's Department.

2. The grievance process is designed to:
 - a. Provide members with a means of expressing grievances without fear of retribution
 - b. Assist the County and the department in identifying and eliminating causes of member complaints or problems
 - c. Contribute to harmonious employee relations that will result in favorable morale and efficiency throughout the County service

B. Informal Procedures

1. Members shall, if possible, informally discuss any problem or complaint with their immediate supervisor as this method is usually in the best interest of the County, the department, and the member.
2. Members have the right to discuss the problem or complaint informally with individuals of a successively higher supervisory or management level within the department if it is not possible to discuss the problem with their supervisor or if the supervisor lacks authority to act on the problem. If this fails, the member may utilize the applicable formal procedure.
3. Members may informally discuss a complaint or problem with a member of the Pima County Human Resources Department, a supervisor of the Sheriff's Department Personnel Unit, or the department EEO Coordinator.
4. For any complaint or grievance that alleges discrimination based on race, color, religion, national origin, age, disability, veteran status, genetic information, pregnancy, sex, gender identity, gender expression, or sexual orientation, the complainant is encouraged to contact the Pima County Human Resources Department or the Sheriff's Department's EEO Coordinator to discuss the member's concerns to determine whether the matter is of a grievable nature.

C. Formal Procedures: Grievances and Appeals

See Pima County Personnel Policies and Merit System Rules.

D. Sexual Harassment and Workplace Harassment Complaints Procedure

In compliance with Pima County Board of Supervisors Policies, Sexual Harassment and Workplace Harassment (based on race, color, religion, national origin, age, disability, veteran status, genetic information, pregnancy, sex, gender identity, gender expression, or sexual orientation) are prohibited at the Pima County Sheriff's Department.

1. The department prohibits verbal or physical conduct of a sexual **or** other (non-sexual) nature that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, veteran status, genetic information, pregnancy, sex, gender identity, gender expression, or sexual orientation that has the purpose or effect of:
 - a. Creating an intimidating, hostile, and/or offensive work environment;
 - b. Unreasonably interfering with an individual's work performance, employment opportunities, and/or conditions of employment.
2. Any member who feels that he or she may be a victim of sexual harassment or workplace harassment (based on the above listed protected classes) should report the harassment to one of the following:
 - a. Immediate Supervisor
 - b. Commander(s)
 - c. Department EEO Coordinator
 - d. Pima County Human Resources Department

There is no requirement to follow the chain of command when reporting sexual harassment or workplace harassment.

3. Any supervisor or commander who is made aware of a complaint regarding possible sexual harassment or workplace harassment must report the complaint to one of the following:
 - a. Staff Services Section Commander
 - b. Department EEO Coordinator
 - c. Commander of the unit in which they work
 - d. Pima County Human Resources Department
4. Any report of conduct that may constitute sexual harassment or workplace harassment shall be investigated by either the Sheriff's Department or the Pima County Human Resources Department. Appropriate corrective action will be taken on violations of this policy. Every attempt shall be made to maintain confidentiality in such an investigation.
5. Retaliation against any complaining member or corroborating witness is strictly prohibited.

E. Americans With Disabilities Act Grievance Procedure

1. It shall be the policy of the Pima County Sheriff's Department to support the Americans with Disabilities Act (ADA) through the hiring, accommodation, promotion, and retention of qualified disabled employees.
2. For any complaint based on the ADA, the complainant shall contact the Pima County Risk Management Department or the Sheriff's Department EEO Coordinator who shall serve as the department's ADA Coordinator. Complainants wishing to bring an ADA grievance shall submit it on the ADA Grievance Notice Form and forward it to the Director, Pima County Risk Management.

XII. EMPLOYEE REPRESENTATIVE

- A. An employee under investigation, or witness who is a department employee, in which the department believes could result in dismissal, demotion, or suspension, may request to have a representative of the employee present, at no cost to the department, during the interview. (This does not apply to Criminal Investigations.) One (1) Employee Representative will be allowed per investigative interview/meeting.

The following guidelines apply:

1. The Employee Representative must be a full-time Pima County Sheriff's Department employee and not an attorney.
2. The Employee Representative shall participate as an observer only and may not speak on behalf of the employee.
3. An employee requested to be an Employee Representative may do so as long as it does not adversely affect his or her job performance as determined by his or her supervisor.
4. The Employee Representative selected cannot have any involvement in the incident being investigated, nor have any involvement in the administrative investigation.
5. The Employee Representative selected cannot be in the chain-of-command of the employee under investigation and cannot be an employee who directly reports to the employee under investigation.
6. An employee under investigation has a maximum of two (2) hours to contact the Employee Representative and have him or her present prior to the interview being conducted.
7. An employee under investigation will be permitted reasonable breaks of limited duration during any interview for telephonic or in-person consultation with others, including an attorney, who are immediately available.
8. No confidentiality exists regarding any communication between an employee under investigation and his or her Employee Representative.

9. No overtime will be authorized for an employee's role as an Employee Representative.
- B. The witness employee shall answer all questions asked by the department investigator. Information learned during a witness interview is considered proprietary and confidential by the department and shall remain so until the witness employee is served with a notice of investigation or released from the confidentiality requirement.
1. The witness employee may discuss the interview with their employee representative or the representative's legal counsel.
 2. If the witness employee or employee's representative releases information without the department's authorization, the employee and/or employee's representative may be subject to disciplinary action.