



CLACKAMAS COUNTY SHERIFF'S OFFICE

Policy # 19

Printed copies are for reference only.
Please refer to the electronic copy for the latest version.

References: [Clackamas County Personnel Policies and Procedures: 2.05.190](#)
and Agreement between Clackamas County and Clackamas County Peace
Officers Association (Collective Bargaining Agreement).

DISCIPLINE and CORRECTIVE ACTIONS

General

1. Any employee of the CCSO violating their oath of office, the laws or statutes of the United States, the State of Oregon, Clackamas County Policies and Procedures, or Sheriff's Office written or oral directive is subject to disciplinary action. Allegations of employee misconduct shall be investigated in accordance with the provisions of [CCSO Policy # 18 PROFESSIONAL STANDARDS](#).

Employee responsibility

2. The success of the CCSO requires that necessary authority accompany responsibility. In the CCSO, the authority to carry out organizational functions is delegated by the Sheriff to individual employees through the command structure (chain of command):
- the Sheriff is ultimately responsible for the performance of the CCSO. To assist the Sheriff in accomplishing the goals and objectives of the CCSO, employees are delegated the authority to perform the duties of their assignments;
 - sergeants and supervisors are held accountable for the performance of the employees under their immediate supervision. Although sergeants and supervisors may delegate the actual performance of certain tasks, responsibility and/or accountability for the accomplishment of those tasks is not transferable; and
 - each employee, by virtue of his/her position in the CCSO, is held accountable for his/her overall performance and the appropriate use of delegated authority to accomplish professional responsibilities effectively.

Informal Problem/Complaint Resolution

3. To facilitate communication between employees and supervisors, both the employee and supervisor are encouraged to seek informal resolution to problems as they arise. Any employee who feels that he/she is not being treated in a fair and unbiased manner may report the problem to the next level within the chain of command. If a problem is not resolved at that level, a written statement containing all pertinent information may be filed with the next level in the chain of command.



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That level will make a timely and appropriate response to the complainant. This does not preclude the opportunity for the employee to settle disputes through the contractual grievance process. Furthermore, this does not preclude non-disciplinary actions that can be employed by a supervisor to assist employee development.

Disciplinary Process

4. The CCSO follows the principles of progressive discipline established by Clackamas County and the Collective Bargaining Agreement. In determining the type of action to take on a disciplinary issue, employees will follow the guidelines set forth below to address problem areas where further training, guidance, or direction is required.

5. A supervisor may initiate an investigation that may result in discipline resulting from personal knowledge or information obtained through another source. In such cases, the request will be routed through the chain of command unless such routing would jeopardize the information or investigation. In any such cases, the request may be given directly to any person in the chain of command. The following table illustrates the authority attendant to rank or level of supervision relative to corrective and/or disciplinary actions within the CCSO:

 Corrective Action	Training	Counseling	Reprimand	Temporary Pay Reduction	Suspension without Pay	Demotion	Dismissal
Sergeant or Supervisor							
Lieutenant or Manager							
Captain							
Chief Deputy							
Undersheriff							
Sheriff							



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Philosophy of Counseling or Progressive Discipline

6. Progressive discipline is a process for dealing with on-duty and off-duty job-related behavior that does not meet expected and communicated professional performance standards. The primary purpose for progressive discipline is to assist the employee to understand that a performance problem or opportunity for improvement exists; however, depending on the seriousness of any wrongdoing the discipline imposed may not be progressive in every circumstance and could result in immediate termination of employment.

Guiding Principles of Counseling and the Discipline Process

7. The Counseling and Discipline Process is based upon several guiding principles:
- a. to provide motivation to employees to respect CCSO values and adhere to CCSO written directives (policies, procedures, rules and regulations);
 - b. to encourage and maintain expected levels of performance through self-discipline and acceptance of responsibility;
 - c. to give employees a clear understanding of what is expected of them;
 - d. to ensure that consequences for inappropriate behavior are clearly explained;
 - e. to ensure that a consistent, fair, impartial, objective, timely and unbiased disciplinary process exists;
 - f. to support effective law enforcement and the protection of civil rights as complementary pillars for public safety in partnership with the community that we serve;
 - g. to encourage and reinforce positive behavior by identifying and correcting poor employee performance through counseling, training, and/or discipline; and
 - h. to use counseling or formal discipline as a corrective action.



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Due Process - Factors to Consider in Determining Formal Disciplinary Action

8. In determining appropriate discipline, it is recognized that similar discipline should normally be imposed for similar violations; however, equal treatment does not necessitate identical discipline. The following non-inclusive factors, if applicable to the particular case, should be considered, especially in those instances in which more severe discipline is a possibility:

- a. **Pre-discipline/adjudication meeting conducted?** *Date and time of the meeting. Brief synopsis of findings of fact;*
- b. **Employees past record:** *The employees past work record, including performance on the job, and past discipline record. Note the employee's ability to get along with fellow employees, the public and dependability;*
- c. **Seriousness of offense:** *The nature and seriousness of the offense, including its relation to the employee's duties, position and responsibilities;*
- d. **Rank:** *The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position. Length of service in that particular rank;*
- e. **Length of Service:** *Date of hire. Note other criminal justice experience if applicable to the offense;*
- f. **Consistency of Application:** *Penalties imposed upon employees who violated similar rules in the past. Outcome of appeals and arbitration on similar events. Dates that similar events occurred (recent events and penalties have more bearing than those that happened in the distant past);*
- g. **Adverse impact:** *The notoriety of the offense and its impact upon the reputation of the CCSO, harmony, good order, effectiveness, efficiency, or morale. Did the act discredit (or could it have discredited) the Sheriff's Office in the eyes of the public? Was there the potential for adverse impact?*



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- h. **Knowledge of rules:** *The clarity with which the employee was on notice of any rules violated in committing the wrongdoing, or had been warned about the conduct in question;*
- i. **Attitude:** *Did the employee accept their responsibility for their conduct or misconduct? Did they present a plan that is likely to prevent recurrence of the misconduct? Did the employee present a positive attitude towards the CCSO and the mission, including adherence to his/her Oath of Office?*
- j. **Weighing pre-discipline/adjudication meeting response:** *Potential for the employee's rehabilitation. What is the adequacy and effectiveness of alternative sanctions in deterring such conduct in the future by the employee and others? What effect does the offense have upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties?*
- k. **Aggravating circumstances:** *Including whether the offense was intentional, technical, or inadvertent. Was it committed maliciously or for gain, or was it frequently repeated? Did the act place any person in danger of physical harm? and*
- l. **Mitigating circumstances:** *Such as unusual job tensions, personality problems, mental impairment, harassment, bad faith, malice or provocation on the part of others involved in the matter.*

Rights of the Sheriff

9. The Sheriff retains the full authority to make all disciplinary decisions. Deviation from this process, whether by the Sheriff or any other manager, does not violate any procedural or substantive rights of any employee unless the deviation violates a specific right guaranteed by law or Contractual Agreement.



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Counseling

10. Counseling is not discipline and may not be protested through the grievance process. Counseling is a less formal means of resolving issues related to daily operations, interpersonal conflicts, and minor matters of improper conduct. When administering counseling:

- a. documents are not placed in an employee's personnel file; however, they may be maintained in a Watch Commander's file and may be mentioned in the next yearly evaluation;
- b. employees may provide a written rebuttal to the counseling within ten calendar days of the counseling;
- c. upon request, an employee may review and request copies of counseling documents in the Watch Commander's file; and
- d. after the later of 12 months or the employee's next annual performance evaluation, the counseling will be considered stale if no further counseling or discipline has been imposed for similarly related conduct.

Disciplinary System Methodology

11. The following components of the disciplinary system may be applied to employee conduct in the interest of maintaining discipline resulting from infractions of CCSO written directives (policies and/or procedures). Application shall be handled as provided in this section unless superseded by collective bargaining agreement:

- a. all discipline will be reviewed by the next level in the chain of command prior to being issued, documented in writing and maintained in the employee's personnel file. Discipline may affect, including but not limited to, future consideration of performance based wage increases, promotion, special duty selection, training and subsequent disciplinary procedures;



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- b. during discipline, the employee is to be informed of the specific misconduct for which he/she is being reprimanded. He/she is to be informed of the proper/expected future conduct and where necessary provided either counseling or training to achieve that objective;
- c. discipline will begin at the lowest level appropriate to the violation. Discipline actions permitted by the Sheriff's Office include:
 - (1). **Written Reprimand.** Reprimands are used for continuing or more serious violations. Written Reprimands shall be considered stale after twenty-four (24) months, and cannot be used as a basis for progressive discipline if no further counseling or discipline has been imposed for similarly related conduct;
 - (2). **Temporary Pay Reduction.** Temporary pay reduction is a one-step or two-step pay reduction of an employee's pay and shall be limited to no more than six (6) pay periods. Temporary Pay Reduction shall be considered stale after 36 months, and cannot be used as a basis for progressive discipline if no further counseling or discipline has been imposed for similarly related conduct;;
 - (3). **Suspension without Pay.** Suspension without pay shall not exceed 30 calendar days. A Captain, Lieutenant or Manager issuing a suspension without pay must receive prior approval from either the Undersheriff or Chief Deputy;
 - (4). **Demotion (Remuneration Reduction).** Demotion shall generally be limited to one position/rank level and the employee will assume the rate of pay in the lower salary grade specified as a part of the disciplinary action. At the time of demotion, an employee shall not receive an increase in pay; and
 - (5). **Dismissal.** Dismissal may be used when other steps in the progressive discipline process have not improved the performance of an employee, or as a first step in discipline in instances of severe policy violations. Dismissal will result in discharge from employment with Clackamas County.



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Administrative Leave

12. **Administrative leave.** Leave from duty with pay may be imposed by a Lieutenant/Manager or above in the following circumstances:

- a. for investigatory purposes to protect the employee and the CCSO during the fact-finding, investigation process and/or while awaiting imposition of discipline, and
- b. for non-investigatory purposes such as after a CCSO-related event (e.g. officer-involved use of force or traumatic incident).

13. **Emergency Administrative Leave.** Supervisors, with the approval of command personnel, have the authority to impose emergency administrative leave with pay when it appears that such action is in the best interests of the Sheriff's Office. The employee receiving emergency administrative leave shall be required to report to the Division Commander, Chief Deputy or Undersheriff on the next business day, unless otherwise directed by a supervisor. The personnel imposing or recommending the administrative leave shall immediately submit a written report of the incident leading to the administrative leave to the Division Commander, Chief Deputy or Undersheriff.

14. **Conduct while on Leave.** Any employee on leave, regardless of reason, shall be held accountable for any violations of CCSO written directives. CCSO employees relieved or suspended from duty for investigatory or disciplinary reasons shall:

- a. unless directed by the Undersheriff, immediately surrender their badge, identification card, and other equipment as ordered. This does not include any personally owned equipment. Non-commissioned employees and reserves will surrender assigned equipment as ordered by the Undersheriff;
- b. not wear the uniform of the Sheriff's Office or be permitted to use or wear any Sheriff's Office clothing, equipment, or other items;
- c. not enter or remain on any Sheriff's Office property without express permission of their Division Commander or above;



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- d. be reassigned to day-shift hours, Monday through Friday as their work schedule;
- e. remain available for in-person response to meetings, court, hearings or other official appointments required by the Sheriff's Office during paid-hours; and
- f. the above restrictions do not apply to an employee placed on administrative leave for non-investigatory purposes.

Transparency of Record

15. No material reflecting critically on an employee shall be placed in an employee's personnel file until the employee has been given the opportunity to acknowledge receipt, whether in person or electronically, indicating he/she has seen a copy of the material. Furthermore, employees shall be given the opportunity to review their personnel file, attach comments therein and resolve errors by request through the chain of command.

Complaints of Criminal Activity

16. Criminal investigations are not related to the disciplinary process and do not preclude the internal disciplinary process from dealing with the same matter.

Discharge

17. After the probationary period is completed, employees of the Sheriff's Office shall not be discharged except as provided for in the collective bargaining agreement and/or County personnel policy. This directive provides for disciplinary procedures, and shall not be construed as conferring on any employee any right or expectation of continued employment. Such rights are found in the personnel policy of the County and labor agreement exclusively. Notwithstanding, all sworn-employees must meet the legal requirements within the State of Oregon to be a peace officer and employed within the CCSO.



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Appeal of Disciplinary Action

18. Nothing in this policy will usurp the employee's right of appeal in accordance with either a collective bargaining agreement or County Employment Policies and Practices.

19. No grievance material shall be kept in the personnel file other than grievances resulting from disciplinary action.

Discipline Documentation

20. All disciplinary action is to be documented. The documentation shall include the issue(s) of concern and the impact; the policy or procedure violated; the operational expectation; the improvement/corrective plan and time line; and specific level of subsequent discipline for failure to improve and sustain behavior at a satisfactory level. In addition:

- a. a copy of imposition of any disciplinary action shall be provided to both the employee and Association outlining the specific reason for such action;
- b. a copy of the disciplinary documentation is to be forwarded to the Department of Human Resources for inclusion in the employee's permanent file; and
- c. all documentation of discipline placed in the employee's personnel file will be done so with the knowledge of the employee. Furthermore, such documentation will include the date after which the information shall become stale for any future disciplinary proceedings.