

15.115 CORRECTIVE / DISCIPLINARY PROCESS AND DOCUMENTATION

Reference:

Procedure 14.200, Information Technology
 Procedure 16.111, Employee Tracking Solution
 Manual of Rules and Regulations and Disciplinary Process – Section 9
 FOP/City Labor Agreement
 AFSCME/City Labor Agreement
 CODE/City Labor Agreement
 Cleveland Board of Education vs. Loudermill, 470 US 532 (1985)
 Ohio Revised Code 2716.05, Service of Order and Notices on Garnishee
 Public Employees Assistance Program

Definitions:

Evaluation Supplement Log (ESL) – An entry in the Employee Tracking Solution (ETS) which documents personnel work performance, corrective measures, discipline and interventions to enhance employee effectiveness. These entries are used as supporting documentation for employee evaluation.

Written Reprimand – A formal disciplinary action documented on a Form 66-S, Notice of Official Reprimand. The Form 66-S summarizes the reason(s) for reprimand and remains in an employee's personnel service record for three (3) years. Service of a reprimand is documented via ESL entry into ETS.

Disciplinary Hearing – Part of the Federal due process requirement provided to a public sector employee allowing them the opportunity to hear and respond to administrative charges being brought against them. Also referred to as a "Department Level Hearing" (DLH).

Administrative Insight Process – An interview held with a Department employee to review their involvement in an incident or action which was contrary to established procedures or rules. The process includes discussion of corrective action(s) to be completed by the employee. Administrative Insights are documented via ESL entry into ETS.

Garnishment – A stoppage of a specified sum from an individual's wages to satisfy a creditor, as a result of a judgment obtained against an employee in a court of record.

Purpose:

Provide a means of accountability, clear performance expectations and timely disciplinary notification to employees. Increase employee awareness as to the causes of an incident to prevent similar situations in the future.

Provide guidelines to document positive employee work performance, training, and corrective action. Improve the development and evaluation of personnel.

Policy:

The Employee Tracking Solution (ETS) will maintain an ESL on all sworn and non-sworn employees. Employee interventions and the intervention progress will be documented and tracked via ETS. When the intervention includes a referral to an outside agency (e.g., Public Employees Assistance Program (PEAP), police psychologist), only the name of the agency will be listed. The reason for the referral will be outlined in the employee's medical jacket maintained at Personnel Management.

The City of Cincinnati pays for PEAP services provided to city employees. Employees may call PEAP for telephone consultation or set up a private meeting. The services provided by PEAP include assessment of current financial crisis, review of past due and current bills, and discussion of options available to resolve immediate and long-term problems.

The Police Department will notify an employee of a wage garnishment judgement. Employees with financial problems are encouraged to deal responsibly with their personal finances and seek help on a voluntary basis through PEAP. An assignment transfer is appropriate when the employee's current assignment provides an easy opportunity for the employee to be financially compromised because of garnished wages. State law requires the City Treasurer's Office to withhold up to 25% of an employee's disposable income (gross pay minus deductions required by law) to satisfy a creditor.

Information:

Any of the following are considered an intervention and will be documented in the employee's ESL:

- Review
- Counseling
- Training
- Referral to outside services (e.g., PEAP, police psychologist)
- Monitoring plan – documented action plan with set reporting intervals
- Reassignment
- Discipline
- Other or any combination of the above

Procedure:

A. ESL Entries

1. Every ESL entry will be entered into ETS by a supervisor.
2. When initiating an ESL entry, include a brief description of the subject matter in the title.
 - a. In the Activity Summary, include a detailed description of the incident or action generating the ESL entry.
 - 1) Include reference information (e.g., CAD number, tag number, names) if applicable.
 - 2) Include the date and time the incident or action occurred.

- b. When describing the supervisory action taken, a one or two word entry is acceptable (e.g., commended, officer advised, reviewed, counseled). If the action is documenting an intervention plan, a brief description of the plan or the name of the outside agency must be noted.
 - c. If an incident or a series of incidents result in other action taken at a later date, note the specific action taken in the Further Disposition area (e.g., official commendation, written reprimand, etc.)
3. The supervisor should workflow the ESL to the employee when they are ready to review it with them. The review must take place as soon as possible from the date of entry.
- a. A supervisor will request the employee log in to ETS and review the ESL.
 - 1) The review will take place in the presence of the supervisor who prepared the ESL. If a different supervisor is going to review the ESL with the employee, the ESL must first be workflowed to the reviewing supervisor.
 - 2) Supervisors who initiate an ESL entry or review an ESL entry with an employee will enter their initials and badge number.
 - b. The employee will be asked to enter their initials and badge number (if applicable) to acknowledge receipt of the ESL entry.
 - 1) If the employee refuses to initial a disciplinary or corrective entry, another supervisor must witness the refusal. Note the witnessing supervisor's name in the Action Taken area.
 - 2) The reviewing supervisor must type the word "refused" in the Employee Initial field indicating the employee refused to initial the ESL, regardless of the nature.
 - 3) Employees are not permitted to write a rebuttal or comments on the ESL form. Employees may submit an explanation or rebuttal on a Form 17.
 - a) The reviewing supervisor will route the Form 17 through the chain of command.
 - b) The Police Chief or their designee will review the information contained in the Form 17 and determine follow up action. These include but are not limited to:
 - 1] Removal of ESL Entry.
 - 2] Concurrence of ESL Entry with no further action.
 - 3] Additional investigation or follow up to support entry.
 - c) The Form 17 with comments will be returned to the employee via the chain of command.

- 1] The employee's immediate supervisor will ensure the Form 17 is scanned into the ETS case file.
4. Any report submitted that indicates an ESL entry was made (e.g., Form 17, 90SP, 91SP) must be attached in the case folder.
 - a. The ESL will be attached to the original ETS case, if appropriate, by "Add ESL".
 - b. If a hard copy of the ESL is needed for a document outside of ETS, the ESL will be printed and attached.
 5. District/section/unit commanders will finalize all ESL entries.
 - a. The relief or unit officer in charge will check entries regularly for accuracy.
 - b. First line supervisors will review the ESL in conjunction with the monthly worksheet review.
 6. ESL entries may be accessed and reviewed by:
 - a. Employees – employees may review their ESL via ETS at any time.
 - b. District/section/unit commanders and supervisors to whom the employee is assigned.
 - c. Personnel Management.
 - d. Internal Investigations Unit (IIU).
 - e. Inspections Unit.
 - f. Assistant Police Chief.
 - g. Police Chief and/or designee.
- B. Administrative Insight Process
1. When Department employees act contrary to established procedures or rules, or do not fulfill the police mission to the best of their ability, the IIU commander will:
 - a. Advise the Police Chief of the circumstances.
 - b. Notify the employee's bureau commander when the Police Chief determines an Administrative Insight is the proper course of action.
 2. The bureau commander will:
 - a. Have the district/section/unit commander and the employee appear for an Administrative Insight interview, or
 - b. Have the district/section/unit commander conduct an Administrative Insight interview with the employee's immediate supervisor and the employee.

3. The Administrative Insight interviewer will:
 - a. Review the circumstances of the incident.
 - b. Recommend positive methods the employee can use in the future to prevent a recurrence.
 - 1) Document on a Form 17 and in the employee's ESL.
 - a) Forward the Form 17 to the bureau commander.
4. After the interview, the bureau commander will:
 - a. Send the Form 17 to the Police Chief indicating the action taken.
 - b. Send copies to Personnel Management for inclusion in the employee's Personnel Jacket.
5. Additional Guidelines
 - a. An Administrative Insight may be combined with other disciplinary actions.
 - b. An Administrative Insight may be removed from an employee's personnel service record three years after the date of the incident with the approval of the Police Chief, provided no other disciplinary action, charge of misconduct, suspension or demotion has occurred during the three year period.
 - 1) Submit a brief Form 17 through the chain of command for the Police Chief's consideration.
 - 2) If approved, the Chief's Office will notify Personnel Management to remove the Administrative Insight from the personnel service record.

C. Garnishment Notice

1. IIU is responsible for tracking garnishments. When the Police Department receives notice from the City Treasurer, the IIU Commander will forward the garnishment papers along with a cover Form 17 through the chain of command. The bureau commander will forward the garnishment papers to the affected employee's district/section/unit commander.
 - a. The employee's district/section/unit commander will ensure prompt service of the garnishment papers on the employee.
 - b. The serving supervisor will indicate service on the cover Form 17 and return the form to IIU through channels.