

**EOC Planning and  
Development Hearing Room  
301 E. 11th St Florence, AZ  
85132 Meeting ID  
meet.google.com/bir-uvro-  
umw Phone Numbers (?US?)  
?+1 443-671-8620? PIN: ?  
874 628 106#?**



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**NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION  
PINAL COUNTY LAW ENFORCEMENT MERIT COUNCIL  
SUMMARY OF AGENDA FOR MEETING  
Tuesday, June 3, 2025**

**9:00 AM - CALL TO ORDER**

**PINAL COUNTY ADMINISTRATIVE COMPLEX  
IRONWOOD CONFERENCE ROOM  
135 N. PINAL STREET  
FLORENCE, AZ 85132**

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**BUSINESS BEFORE THE COUNCIL**

- (1) Roll call and Confirmation of Quorum
- (2) Approve minutes from the May 5, 2025 and May 6, 2025 meetings.
- (3) Review, discussion, and possible action regarding adoption of updated Law Enforcement Merit System Rules and establishing an effective date.

**ADJOURNMENT**

**(SUPPORTING DOCUMENTS ARE AVAILABLE AT THE HUMAN RESOURCES  
DEPARTMENT)**

NOTE: One or more members of the Council may participate in this meeting by telephonic conference call. The Council may go into Executive Session for the purpose of obtaining legal advice from the County's Attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03 (A)(3).

In accordance with the requirement of Title II of the Americans with Disabilities Act (ADA), the Pinal County Law Enforcement Merit Council does not discriminate against qualified individuals with disabilities admission to public meetings. If you need accommodation for a meeting, please contact the Human Resources Department at (520) 866-6231, at least (3) three business days prior to the meeting (not including weekends or holidays) so that your request may be accommodated.

Posted the 19th day of May, 2025 around 10:00am./Vina Bustos



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

## AGENDA ITEM

6/3/2025

EOC Planning and Development Hearing Room - 301 E. 11th St, Florence, AZ 85122

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### REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: Boards & Commissions

Director: LEMC

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### BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Roll call and Confirmation of Quorum

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### BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

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### BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

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### MOTION:

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### ATTACHMENTS

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### MOTION:

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### ATTACHMENTS

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WIDE OPEN OPPORTUNITY

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### BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

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### MOTION:

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### ATTACHMENTS

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### ATTACHMENTS:

Description



Proposed Law Enforcement Merit Rules

**PINAL COUNTY**  
**LAW ENFORCEMENT OFFICERS MERIT SYSTEM RULES**  
**PROPOSED RULES**

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# PINAL COUNTY LAW ENFORCEMENT OFFICERS MERIT SYSTEM RULES

## RULE 1 – DEFINITIONS

The words and terms in these Rules shall have the following definitions, unless the context clearly indicates otherwise, and shall be interpreted consistent with A.R.S. § 38-1001 *et seq.* (Law Enforcement Officers Merit System) and A.R.S. § 38-1101 *et seq.* (Peace Officers Bill of Rights).

- 1.00 AGENCY:** Pinal County Sheriff's Office ("PCSO") and, as pertains to applicable policies and procedures, includes the Pinal County Law Enforcement Officers Merit System Council and its rules.
- 1.01 ALLOCATION:** To assign a position to an appropriate classification.
- 1.02 APPEAL:** A written request filed with the Pinal County Law Enforcement Officers Merit System Council by an officer seeking relief from certain alleged acts, conditions, or determinations impacting employment as specified in these Rules.
- 1.03 APPELLANT:** An officer who has filed an appeal with the Council.
- 1.04 APPLICANT:** A person seeking employment with the Pinal County Sheriff's Office as a regularly appointed Deputy Sheriff, or a law enforcement officer seeking reinstatement, reappointment, promotional or external appointment, assignment, or demotion, who timely returns a properly completed Office application or other applicable documentation.
- 1.05 APPOINTMENT:** When a position for Sergeant or higher rank becomes available, the vacancy shall be filled, whenever possible, by promotional appointment within the Office and shall be based on competitive examination. If internal promotion is not possible, the vacancy may be filled by an external appointment through competitive examination. An appointment, whether promotional or external, is not fully effectuated or final until the officer has successfully completed any prescribed probationary period. (See "Regular Appointment" for initial employment as a Deputy Sheriff.)

- 1.06 ARMED FORCES:** According to A.R.S. § 38-491 (referencing 37 U.S.C.A. § 101), the Armed Forces includes the United States Air Force, Army, Navy, Marine Corps, Space Force, and Coast Guard.
- 1.07 ASSIGNMENT:** The role that an officer undertakes or assumes, either through a competitive or noncompetitive process, which involves particular tasks and is usually specialized in scope and/or limited in duration of time.
- 1.08 AT-WILL EMPLOYMENT:** Per A.R.S. § 38-1101, an employment relationship where either party to the relationship may sever the relationship at any time for any reason other than an unlawful reason; the employee is not covered by these Rules.
- 1.09 BOARD:** The Pinal County Board of Supervisors.
- 1.10 BUSINESS LIAISON:** The PCSO Commander over PCSO Human Resources or equivalent.
- 1.11 CERTIFICATION:** Determination by the Council that an applicant meets the minimum requirements for a position of Sergeant or higher rank and, therefore, qualifies as an applicant who can be referred to the Sheriff for promotional appointment or, when internal promotion is not possible, external appointment.
- 1.12 CLASS:** A position or group of positions sufficiently similar in duties and responsibilities such that the same educational requirements, experience, knowledge, skills, abilities, and/or other qualifications may be required of the occupants so the Pinal County compensation plan or Law Enforcement Officers Step Plan can be applied with equity.
- 1.13 CLASS SPECIFICATION:** The official description of the type and level of duties and responsibilities of the positions assigned to a class and the necessary qualifications which a person must possess to perform those duties.
- 1.14 CLASSIFICATION:** See "Class."

- 1.15 CLASSIFICATION PLAN:** The orderly arrangement of positions under separate and distinct classes on the basis of current duties and responsibilities.
- 1.16 CLASSIFIED SERVICE:** Consistent with A.R.S. § 38-1001 *et seq.*, includes all officers covered by the Pinal County Law Enforcement Officers Merit System holding a position in the Pinal County Sheriff's Office whose occupants must be certified through the Arizona Peace Officer Standards and Training Board (AZPOST), except those positions designated as at-will by these Rules, statute, or the Board of Supervisors.
- 1.17 COMPENSATION:** The salary, wage, allowances and all other forms of valuable consideration earned by or paid to an officer, except reimbursement for necessary expenses which have been authorized and incurred.
- 1.18 COMPENSATION PLAN:** The Pinal County salary plan, which assigns an appropriate salary range to each class of officer positions.
- 1.19 COMPENSATORY TIME:** Time off granted to an officer, who is not exempt from the Fair Labor Standards Act, in lieu of monetary payment for overtime worked. Compensatory time is calculated at time and a half the number of overtime hours worked.
- 1.20 CONTINUOUS RECRUITMENT:** Recruitment under which applications are received on an ongoing basis after an announcement has been made to that effect.
- 1.21 COUNCIL:** The Pinal County Law Enforcement Officers Merit System Council, whose members have been appointed by the Pinal County Board of Supervisors pursuant to A.R.S. § 38-1001 *et seq.*
- 1.22 COUNTY:** Pinal County government.
- 1.23 DAYS:** Unless otherwise indicated herein or in an applicable statute, "days" shall refer to calendar days.



- 1.24 DEMOTION:** A change from a position in one class to a position in another class having a lower pay range, which involves a reduction in the officer's rank and/or pay. A demotion may be voluntary or involuntary.
- 1.25 DIRECTOR:** Pinal County Human Resources Director or designee.
- 1.26 DISCIPLINARY ACTION:** The dismissal, demotion, or suspension without pay of a law enforcement officer that is a result of misconduct or unsatisfactory performance. See A.R.S. § 38-1101 (Definitions).
- 1.27 DISMISSAL:** Involuntary separation of an officer from his/her position.
- 1.28 EMERGENCY APPOINTMENT:** An appointment made during an actual government emergency to prevent the impairment of public business.
- 1.29 EXAMINATION:** An evaluation or assessment process used to measure qualifications and assist in determining an individual's suitability for a position.
- 1.30 EXAMINATION ANNOUNCEMENT:** The official issuance of a notice to give an examination, either on a scheduled or continuous basis, to fill positions as they are or become vacant within PCSO.
- 1.31 FILING:** The submittal of a document to the Human Resources Director, the County, or the State as specified in these Rules.
- 1.32 HEARING OFFICER:** A person designated by the Council or the Chair of the Council to hear appeals as provided by A.R.S. § 38-1101 *et seq.* and these Rules.
- 1.33 JUST CAUSE:** Defined in accordance with A.R.S. § 38-1101 and means:
- (a) The employer informed the law enforcement officer of the possible disciplinary action resulting from the officer's conduct through agency manuals, employee handbooks, the employer's rules and regulations or other communications to the officer, or the conduct was such that the officer should have reasonably known disciplinary action could occur;
  - (b) The disciplinary action is reasonably related to the standards of conduct for a professional law enforcement officer, the mission of the agency, the orderly, efficient, or safe operation of the agency, or the officer's fitness for duty;

- (c) The discipline is supported by a preponderance of evidence that the conduct occurred; and
- (d) The discipline is not excessive and is reasonably related to the seriousness of the offense and the officer's service record.

**1.34 LAW ENFORCEMENT OFFICERS MERIT SYSTEM RULES:** The Rules as adopted by the Pinal County Law Enforcement Officers Merit System Council.

**1.35 LAW ENFORCEMENT OFFICER (OFFICER):** A deputy sheriff employed with the Pinal County Sheriff's Office who is certified through the Arizona Peace Officer Standards and Training Board (AZPOST) as a peace officer.

**1.36 MANIFEST ERROR:** An obvious or apparent error; an error that is clearly discernable and is not subject to interpretation. The Director shall determine whether a manifest error exists per these Rules.

**1.37 OFFICE:** The Pinal County Sheriff's Office (PCSO).

**1.38 OFFICER:** See "Law Enforcement Officer."

**1.39 PERSON WITH A DISABILITY:** An individual who has a physical or mental impairment that substantially limits one or more major life activities, or who has a record of such an impairment, or is regarded as having such an impairment, as defined in A.R.S. § 38-492(B).

**1.40 POSITION:** A specific job, whether occupied or vacant, involving duties or responsibilities requiring the services of one person.

**1.41 PREPONDERANCE OF THE EVIDENCE:** A standard of proof; whether a fact to be proved is more probable than not or is more likely true than not.

**1.42 PROBATIONARY PERIOD:** A specified period of employment following regular appointment, reappointment, reinstatement, demotion, external appointment, or promotional appointment during which the performance of the officer is evaluated. The probationary period includes any probation extension. Probation is the final step in the examination

- process; neither a regular appointment, reappointment, reinstatement, demotion, external appointment, nor a promotional appointment is fully effectuated or final until the officer has successfully completed the prescribed probationary period.
- 1.43 PROMOTION:** A change on a competitive basis from a position in one class to a position in another class having a higher pay range, which involves the officer receiving an increase in rank and/or pay.
- 1.44 REAPPOINTMENT:** The return to PCSO of a former officer of the Office who was separated from employment because of a Reduction in Force.
- 1.45 REASSIGNMENT:** A change in the role an officer undertakes or assumes, either through a competitive or non-competitive process, which involves particular tasks, is based on operational or other business needs, and is usually specialized in scope and/or limited in duration of time.
- 1.46 RECLASSIFICATION:** Changing the classification of an existing position when a material change in the duties or responsibilities of the position occurs.
- 1.47 REDUCTION IN FORCE:** The separation of an officer from PCSO employment due to a shortage of funds or work, a bona fide abolishment of a position, a reorganization resulting in elimination of one or more positions, or reduction of the statutory duties of the Sheriff.
- 1.48 REGISTER:** An official list of Applicants for a particular class or group of classes who met the criteria to participate in the competitive examination process; the list shall be used by the Sheriff for selection for regularly appointed, reappointed, or reinstated Deputy Sheriffs and, if certified, for promotional or external appointments to the rank of Sergeant or above.
- 1.49 REGULAR APPOINTMENT:** Initial employment as a Deputy Sheriff within the Office in compliance with A.R.S. § 11-409, A.R.S. § 38-1001, and these Rules. A regular appointment is not fully effectuated or final until the officer has successfully completed probation, which includes any extended probationary period.
- 1.50 REGULAR STATUS:** The status an officer achieves when retained in a position within the classified service after successful completion of regular

appointment probation, reinstatement probation, reappointment probation, or external appointment probation.

- 1.51 REINSTATEMENT:** The reemployment of a former Regular status law enforcement officer who resigned in good standing and who is hired within one year from the date of employment separation to a full-time position within the classified service.
- 1.52 RESOLUTION:** Pinal County Resolution No. 073113-LEMC 2013, which established the Pinal County Law Enforcement Officers Merit System Council effective July 31, 2013.
- 1.53 RESPONDENT:** The Pinal County Sheriff's Office role as the party defending an employment action in an appeal.
- 1.54 SHERIFF:** The Sheriff of Pinal County or, based on the context, his/her designee.
- 1.55 SUSPENSION:** The temporary separation without pay of an officer from his/her position for misconduct or unsatisfactory performance.
- 1.56 UNCLASSIFIED POSITION:** A position that is not part of the classified service and, when filled, is occupied by an employee, e.g., an at-will employee, who is not covered by these Rules.
- 1.57 VACANCY:** A position in the County service which has become or is about to become unoccupied or a new position which has not yet been filled; the Sheriff also has established that the position is fully funded, active in the budget system, and currently available to be filled or refilled.
- 1.58 VETERAN:** Any person separated from active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard) who meets the criteria identified in A.R.S. § 38-491 (referencing 37 U.S.C.A. § 101).

## **RULE 2 – GENERAL PROVISIONS**

### **2.01 PURPOSE**

The purpose of these Rules is to implement and give effect to the intent and requirements of the Resolution, which established for Pinal County law enforcement officers a system of personnel administration that is in compliance with A.R.S. § 38-1001 *et seq.*, so that well-qualified law enforcement officers can be selected and retained to carry out the Sheriff's legally mandated responsibilities effectively and efficiently and to provide reasonable stability of employment within PCSO.

Furthermore, these Rules shall be interpreted in a manner that is consistent, compatible, and in compliance with A.R.S. § 38-1001 *et seq.* and A.R.S. § 38-1101 *et seq.* If any term or provision of these Rules is found to be inconsistent or in conflict with these statutes, the statutory term or provision shall prevail and the remaining terms and provisions of these Rules shall not be affected.

### **2.02 RULES**

- A. These Rules shall apply to law enforcement officers (“officers”) as prescribed in A.R.S. § 38-1001 *et seq.* and set forth herein. Statutorily permissible exceptions are found in Rule 2.03.
- B. New rules may be added and amendments may be made to these Rules in accordance with the Resolution, A.R.S. § 38-1001 *et seq.*, and A.R.S. § 38-1101 *et seq.*
- C. From time to time, the Director shall prepare and submit to the Council proposed rules and amendments. The Council shall give reasonable notice to the Sheriff and officers covered by these Rules, so they are given an opportunity to appear before the Council to express their views thereon. The notice shall be effectuated by posting the time and place for the hearing of new rules and/or amendments for adoption at least ten (10) calendar days prior to the hearing.
- D. Rules or amendments shall be effective thirty (30) calendar days after adoption by the Council, unless the Council specifies otherwise.

### **2.03 EXEMPTIONS**

- A. In accordance with A.R.S. § 38-1001, the Sheriff is exempt from these Rules.
- B. These Rules shall not be construed to preclude or change the at-will status of any law enforcement officer lawfully serving in an unclassified position.

### **2.04 DIRECTOR'S DUTIES**

Pursuant to these Rules, the Director shall:

- A. Perform administrative functions for the Council as assigned and in accordance with the Resolution.
- B. Attend all meetings of the Council, act as its Secretary, and keep minutes of its proceedings.
- C. Serve as the official custodian of the Council's records.
- D. Maintain a roster of officers covered by the Resolution and Rules, in which there shall be set forth, as to each officer, the class, title, pay, status, and other pertinent data.

### **2.05 PERFORMANCE APPRAISALS**

Officers shall be evaluated prior to the completion of a probationary period. Evaluations shall be conducted annually thereafter. Additional performance evaluations may be conducted whenever the Sheriff deems it necessary or appropriate.

### **2.06 MEMBERSHIP IN ORGANIZATIONS**

Officers may join and hold office in any employee organization or professional association in which they are eligible for membership, provided that the employee organization or professional association is not organized for any illegal purpose or engaged in activities contrary to law. No person in the Office shall attempt to prohibit or intimidate any officer from belonging to or holding office in any lawful organization.

## **2.07 GRIEVANCE PROCEDURE**

Officers may obtain consideration of certain grievances through the Pinal County grievance policy and procedures where the ability to pursue redress is not provided in these Rules.

## **2.08 DISCRIMINATION IN EMPLOYMENT**

No County official, Appointing Authority, or employee shall discriminate against any applicant or officer in regular appointment, reappointment, reinstatement, assignment, promotion, or external appointment, because of race, ethnicity, national origin, color, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, sexual orientation, disability, age, religion, genetic information, military service, veteran status, or any other category or characteristic protected by law. Likewise, no officer shall be unlawfully discriminated against in suspension, demotion or dismissal from a position, and no officer shall be unlawfully discriminated against in compensation or in any other term, condition, or privilege of employment.

## **2.09 RETALIATION**

The Office shall take no disciplinary or punitive action against a law enforcement officer for exercising any right under the Resolution or these Rules.

## **2.10 SERVICE OF PROCESS**

Unless otherwise provided by law or these Rules, whenever any notice, document, or record is to be served upon any person, party, or agency by the Council or Director, such notice, document, or record may be delivered via (1) personal service, (2) either a personal or business email address, after written consent from the intended recipient, with service effective and complete when transmitted, or (3) registered mail sent to the last known residence or business address of the addressee with service effective and complete five calendar days after mailing.

## **2.11 SEVERABILITY**

If any provision of these Rules or its application to any officer or circumstance is held invalid, the remainder of the Rules or the application of such provision to other officers or circumstances shall not be affected.

## **2.12 CONFLICT WITH FEDERAL OR STATE LAW**

If any provision of the Resolution or these Rules conflicts or is inconsistent with federal or state law, the law shall apply.



## **RULE 3 – COUNCIL POWERS AND PROCEDURES**

### **3.01 COUNCIL MEETINGS**

- A. The Council shall hold and conduct meetings in accordance with A.R.S. § 38-1001 *et seq.*, A.R.S. § 38-1101 *et seq.*, A.R.S. § 38-431 *et seq.* (Arizona Open Meeting Law), and the Resolution.
- B. The Council shall hold at least one meeting per quarter and the meeting shall be at a time and place as specified by call of a majority of the Council or the Chair.
- C. Three of five members shall constitute a quorum for the transaction of business. A majority of the quorum may take action in all areas of the Council's duties and powers.
- D. Public notice of Council meetings shall be given consistent with Arizona Open Meeting Law.

### **3.02 AGENDA**

All matters to be presented to the Council for consideration at a regular or special meeting shall be placed on the Council's agenda as soon as practicable. The agenda shall be sent by the Director to each member of the Council prior to each meeting and will be made available to the public consistent with Arizona Open Meeting Law.

### **3.03 WRITTEN MINUTES OR RECORDING**

The Director shall record the official actions of the Council. Meetings, including executive sessions, will be conducted in accordance with A.R.S. § 38-431 *et seq.* Pursuant to A.R.S. § 38-431.01, for meetings other than executive sessions, the minutes or a recording shall include the date, time, and place of each meeting of the Council; the Council members present and absent; a general description of the matters considered; and an accurate description of all legal actions proposed, discussed, or taken, including a record of how each member voted. The written minutes or a recording of the public meeting will be available for public inspection three working days after the meeting.

### **3.04 ADDITIONAL COUNCIL POWERS AND DUTIES**

The Council shall also serve as the independent personnel board of the County under A.R.S. § 38-532(H) for law enforcement officers and shall adopt separate policies and procedures as it may deem necessary or appropriate for such authority.

## **RULE 4 – RECRUITMENT AND EXAMINATION PROCESS**

### **4.01 RECRUITMENT ANNOUNCEMENTS**

#### **A. Open Competitive Recruitment Announcements**

Announcements for open competitive recruitment shall be by public notice for no less than five (5) calendar days or on an open continuous basis. Every reasonable effort shall be made to attract qualified persons to compete in examinations.

#### **B. Internal Recruitment Announcements**

Upon determination of the Sheriff, recruitment may be limited to officers of the Office or the Office unit where the vacancy exists.

#### **C. Promotion Announcements**

Announcements for promotion examinations shall be emailed or sent to officers and posted through County Human Resources for no less than five (5) calendar days. Every reasonable effort shall be made to attract qualified persons to compete in examinations for promotion.

#### **D. Content of Announcements**

All announcements shall specify the official classification, title, salary range, typical duties to be performed, the minimum qualifications, preferred qualifications, any special instructions to the Applicant, the final date for receipt of applications or statement of open continuous recruitment, the nature of the examination process, instructions on how to apply for the open position, and the examination date or TBD if applicable.

### **4.02 APPLICATIONS**

#### **A. Official Forms**

All applications shall be in a format provided by the Director in consultation with the Business Liaison.

#### **B. Filing Applications**

Applications for open competitive recruitment, internal recruitment, external recruitment, and promotion must be filed as designated in the individual announcement. Applicants shall also submit any documents or supplemental information requested in order to verify

the Applicant's qualifications and complete the background investigation.

### **C. Qualifications**

1. Applications for open competitive recruitment shall be open to all Applicants who meet the minimum requirements of the Arizona Peace Officers Standard and Training Board (AZPOST), any state statutes applicable to deputies or deputy recruits, and the qualifications and standards provided in the classification specifications. Announcements will include requirements and qualifications for examinations.
2. Applications for promotion shall be open to Applicants who meet the qualifications and standards provided in the official class specifications and examination announcements. Pursuant to A.R.S. § 38-1003, vacancies within PCSO shall be filled, whenever possible, by promotion from within the Office and shall be on the basis of competitive examination.
3. Admittance to an examination does not constitute a presumption or assurance of a passing rating on either the Applicant's qualifications or evaluation of the Applicant's training and experience.

### **4.03 DISQUALIFICATION OF AN APPLICANT OR APPOINTEE**

The Director in consultation with the Business Liaison will take action as appropriate, i.e., may refuse to examine an Applicant or, after examination, shall disqualify such Applicant (indefinitely, if applicable), remove the Applicant's name from the register, decertify an Applicant on a certified register (and notify the Council), or shall consult with the Sheriff in taking steps to remove a person already placed in a position, if it is found that the individual:

- A. Does not meet the minimum qualifications for the classification or position;
- B. Is found unfit for performance of duties or poses a safety risk to self, other workers, or the public in performance of law enforcement duties (if already appointed, see A.R.S. § 38-1112, Law Enforcement Officers Fitness for Duty Examinations);

- C. Does not meet the Arizona Peace Officer Standards and Training Board (AZPOST) hiring standards;
- D. Made a false statement of material fact in the application process or made a false statement of material fact, whether written or verbal, during the recruitment or examination process;
- E. Omitted a material fact relevant to information sought during the recruitment or examination process;
- F. Used or attempted to use political pressure or bribery to secure an advantage in an examination process or in the selection for a regular appointment, reappointment, reinstatement, promotion, or external appointment to a position within the Office;
- G. Directly or indirectly obtained information regarding the examination to which, as an Applicant, he/she was not entitled;
- H. Failed to submit the application correctly or within the prescribed time limits;
- I. Took part in the compilation, administration, or any part of the examination process that would give an Applicant an undue advantage;
- J. Previously was dismissed from a position in the County service for cause;
- K. Committed or was convicted of a crime that affects suitability for employment;
- L. Applicant is charged with or under indictment for any crime which, upon conviction, would affect suitability for employment;
- M. Failed to respond to correspondence or to appear for a scheduled examination or interview as an Applicant;
- N. Failed any phase of the examination process;
- O. Indicated that he/she is no longer interested in the position or is no longer available for selection;
- P. Refused or rejected a job offer for the specific position (eliminated from consideration for the current opening only); or
- Q. Violated any provision of the Resolution or these Rules.

#### **4.04 NATURE OF EXAMINATIONS**

##### **A. Selection Process**

Applicants shall be evaluated and/or rated, using specific criteria based on objective standards, through one or any combination of the following:

1. Individual or team interview for deputy recruit

2. Oral board interview
3. Command interview
4. Written examination
5. Psychological examination
6. Polygraph examination
7. Performance test or assessment center
8. Evaluation of training, experience, education and/or skills
9. File review (where applicable)

Other objective, job-related evaluation or assessment methods and processes may be used as appropriate.

#### **B. Types of Examinations**

Entrance examinations shall be of such character as to determine qualifications, fitness, and ability of the person to perform the duties of an entry level officer. The examinations may be written, oral, physical, a demonstration of skill, or in the form of a polygraph or psychological exam, or any combination thereof.

Promotion examinations shall be of such character as to determine the qualifications, record of performance, conduct within the field of law enforcement, fitness, and ability of the person examined to perform the duties of the position or class of positions at issue.

#### **C. Objectivity of Ratings**

All examinations, evaluations, and other selection processes shall be job related and rated impartially. In no case shall admittance to any phase of the process constitute assurance of a passing rating on any component of the selection process.

#### **D. Conducting Examinations**

Examinations shall be conducted in locations deemed necessary or appropriate by the Sheriff based on the reasonable availability of facilities. The Director or Business Liaison may designate proctors or examiners as deemed appropriate. Reasonable accommodations will be afforded to Applicants with disabilities in accordance with state and federal law.

**E. Oral Board**

When an oral board interview process is used, an oral examination panel of three (3) or more qualified, impartial individuals, who are of a classification or rank equal to or greater than that of the position being filled, shall conduct the interviews and rate the Applicants. The Sheriff shall select the panel members.

**F. Conflict of Interest**

Any member of or participant in an examination process who is related to an Applicant, has a close personal relationship with an Applicant, has another conflict of interest or perceived conflict of interest, or for any other valid reason should not be involved with the process, shall disqualify her/himself as an evaluator for that examination.

**4.05 EVALUATING RESULTS, RATING EXAMINATIONS, AND NOTICE OF EXAMINATION RESULTS**

- A. The Business Liaison in consultation with the Director shall utilize professionally accepted principles and methods to ensure that passing scores or ratings meet acceptable standards of validity and reliability.
- B. The Business Liaison in consultation with the Director and with approval of the Sheriff shall determine the minimum passing rating that must be attained by the Applicant in order to compete in the next phase of the examination process or to be placed on the register. The minimum passing rating will be determined prior to an examination.
- C. For those who complete and pass all examinations, written notice of their cumulative examination results shall be available for each Applicant to review regarding his/her final rating or score. Register placement for each Applicant shall be based on the totality of the examination process.

**4.06 INSPECTION OF MULTIPLE-CHOICE, WRITTEN EXAMINATION**

When a multiple-choice, written examination is administered, the Applicant may request to review his/her own examination results as provided by these Rules.

- A. A request to inspect results for a multiple-choice, written examination shall be made in writing to the Director or, at the Director's discretion, to the Business Liaison within seven calendar (7) days after notice of the final scoring has been given to the Applicant. Only the Applicant may inspect his/her own examination results.
- B. The Applicant may compare his/her answer sheet for any multiple-choice, written examination with a score key, at a location and with security procedures as may be designated by the Director, for the purpose of determining whether the answers have been accurately scored. This inspection shall be under the supervision of an Office staff member or other authorized Office representative.

#### **4.07 RETAKING MULTIPLE-CHOICE, WRITTEN EXAMINATION**

Any Applicant who reviews his/her examination answers with a score key must wait a minimum of sixty (60) calendar days from that date before retaking a multiple-choice, written examination where the same test materials or score key will be used. In each case of a repeated examination, the most recent test score achieved shall be used to determine the eligibility of the Applicant.

#### **4.08 ADMINISTRATIVE REVIEW FOR ERROR**

Within 14 calendar days following the disclosure of the multiple-choice, written examination results and upon written request to the Director, an Applicant may seek review by the Director of the Applicant's own examination score, rating, or disqualification if the Applicant believes that an error has occurred.

#### **4.09 DIRECTOR'S ADJUSTMENT FOR ERRORS**

If the Director in consultation with the Business Liaison identifies that a multiple-choice, written examination was incorrectly scored or that a portion of the examination is defective, the Director shall: (1) correct all scoring errors, or (2) eliminate the defective portion of an examination and revise the score of each competitor.



If the Director reviews an Applicant's completed multiple-choice, written examination and determines that an examination was incorrectly scored, the Director shall send a manifest error notice to the Sheriff. The status of an Applicant shall be adjusted in order to correct any manifest error. Such adjustment shall not, however, invalidate any certification or selection action already taken.

#### **4.10 BACKGROUND INVESTIGATIONS**

The Sheriff shall conduct a pre-hire background investigation. The Sheriff also may conduct a background investigation prior to a promotion.

#### **4.11 VETERAN PREFERENCE**

"Veteran" is defined in A.R.S. § 38-491 (referencing 37 U.S.C.A. § 101). When an Applicant is a veteran or the spouse/surviving spouse of a veteran and the Applicant receives a passing score on an entrance examination, which may result in an employment register, then preference points shall be given pursuant to the qualifying factors in A.R.S. § 38-491 *et seq.* If an Applicant qualifies for preference, but examination scores are not given, A.R.S. § 38-492 requires preference to be given by granting applicable preference codes.

#### **4.12 RETENTION OF RECORDS**

The Director or, if the Director so delegates, the Business Liaison shall be responsible for the maintenance of all records related or pertaining to the recruitment, application, examination, and selection processes for positions and assignments covered by these Rules. Records shall be kept for the period of time required by law, but not less than one year.

## **RULE 5 – REGISTERS AND CERTIFICATION**

### **5.01 RESPONSIBILITY FOR REGISTERS**

The Director in consultation with the Business Liaison shall be responsible for establishing and maintaining appropriate registers for all classifications and for determining the adequacy of existing registers.

### **5.02 DURATION OF REGISTERS**

For an open continuous register, an Applicant will remain on the register for one year. For all other registers, the register shall expire at the end of one (1) year from the date of its establishment, unless the register is specifically extended by the Sheriff, with notice to the Director, for a period not to exceed one year.

The Sheriff may abolish a register before its expiration in the event of a new examination, change in class duties or requirements, or whenever an existing register has ceased to meet the needs for adequate placement within the Office.

### **5.03 REMOVAL OF A NAME FROM A REGISTER**

The Sheriff, in consultation with the Director and Business Liaison, may remove the name of an Applicant from a register for any of the following reasons:

- A. Any of the reasons specified in Rule 4.03;
- B. The Applicant violated a Rule, PCSO policy or procedure, or a County policy or procedure, that would affect the Applicant's suitability for consideration;
- C. The Applicant cannot be reached despite reasonable efforts to locate or contact the Applicant;
- D. The Sheriff, Director, or Business Liaison received written or verbal communication from the Applicant stating that he/she no longer desires consideration for a position in the particular classification or is no longer available for employment or promotion; or

E. Refusal or rejection by the Applicant of an offer of employment or promotion.

#### **5.04 REAPPOINTMENT REGISTER FOR REDUCTION IN FORCE**

Any Regular status law enforcement officer, who has been separated from employment as a result of a formal Reduction in Force, may be an Applicant for re-employment on a reappointment register in accordance with these Rules. The officer must submit a written request and complete an official Office application within fifteen (15) calendar days following the effective date of separation to have his/her name placed on a reappointment register.

Once on the reappointment register, the officer is eligible to be considered for officer positions in the same or a lower class from which the officer separated and for which the officer is qualified. The officer shall remain on the reappointment register for a period of up to one year from the date of separation. Separated law enforcement officers shall be ranked on the reappointment register on the basis of seniority, performance, conduct and/or qualifications as determined by the Sheriff in consultation with the Director. See Rule 7.05 for additional details regarding reappointment.

#### **5.05 PROMOTION REGISTERS**

Applicants who are Regular status, and have successfully completed and passed all phases of the promotion process, will be placed on a promotion register based on their composite ratings for a period of one year. Selections will be made in accordance with Rule 6.

#### **5.06 OPEN CONTINUOUS REGISTERS**

After each entrance examination, the Director shall prepare a register or merge the names of the new Applicants with those on the existing open continuous register. In the case of open continuous recruitment, registers may be amended continuously. The names of Applicants shall be placed on the registers in the order of their final composite ratings in the examination process. An Applicant's name will be removed from the open continuous register after one (1) year from the date the name was originally placed on the register.

## **5.07 CERTIFICATION PROCESS**

When a position of Sergeant or higher rank becomes available in the classified service, the vacancy shall be filled, whenever possible, by promotional appointment within the Office and shall be on the basis of competitive examination. If internal promotion is not possible, the vacancy may be filled through appointment of an external candidate, who is an AZPOST certified peace officer, following a competitive examination process.

Pursuant to A.R.S. § 38-1003, the Director shall submit a promotion register to the Council for certification. The Council, upon request, shall certify the names on the register in the order of each officer's relative excellence in the competitive examination process. Promotions will be made from the certified list of officers. The same register and certification process shall apply if appointment of an external candidate to fill a vacancy becomes necessary.

## **RULE 6 – SELECTION OF APPLICANTS**

### **6.01 FILLING VACANT POSITIONS**

This is the process that the Sheriff shall follow to fill a vacant position in the Office.

### **6.02 LIST OF ELIGIBLE APPLICANTS**

- A. When the recruitment process is initiated, the Sheriff, in consultation with the Director and Business Liaison, will establish the minimum number or percentage of Applicants to be interviewed.
- B. Upon receipt of the Sheriff's request for a list of eligible Applicants, the Director, in consultation with the Business Liaison, shall prepare and provide a list from which the Sheriff may fill the vacancy. In each case, the selection will be from among the Applicants on a reappointment register, reinstatement register, open continuous register, or certified promotion register (or, when necessary, a certified external appointment register). Applicants also will be considered on the basis of their indicated availability for employment. Applicant may be eliminated for cause pursuant to Rule 5.03.

### **6.03 SELECTION FROM AMONG THE ELIGIBLE APPLICANTS**

- A. Pursuant to A.R.S. § 38-1003, vacancies shall be filled whenever possible by promotion within the Office and on the basis of competitive examination. In making a selection for promotion, the Sheriff shall give appropriate consideration to each Applicant's qualifications, record of performance, seniority, and conduct within the field of law enforcement.
- B. The Sheriff or Business Liaison shall document the action taken on each Applicant, prepare a record verifying the non-availability of any Applicants, and retain all records concerning the Applicants for retention pursuant to Rule 4.12.
- C. The Sheriff shall report the final selection in writing to the Director.

#### **6.04 AVAILABILITY OF APPLICANTS**

Each Applicant is responsible for notifying the Business Liaison or Director in writing of any change in contact information or any change affecting availability for hire or promotion.

**RULE 7 – TEMPORARY AND LATERAL ASSIGNMENTS,  
REAPPOINTMENT, REINSTATEMENT, AND REASSIGNMENT**

**7.01 COMPETITIVE PROCESS**

Vacancies in the classified service shall be filled by competitive process. However, in limited circumstances of an exigent nature or when otherwise permitted under these Rules, the Sheriff with concurrence of the Director may determine that a noncompetitive process is necessary and appropriate.

**7.02 SELECTION FOR TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION**

- A. When the services of a law enforcement officer are needed temporarily for up to thirty (30) calendar days in a budgeted position of higher rank, the Sheriff may select a law enforcement officer noncompetitively for a temporary assignment.
- B. When the services of a law enforcement officer are needed temporarily for more than thirty (30) calendar days in a position of higher rank within the Office, a law enforcement officer may be assigned to that position for a period of up to one (1) year. A competitive process must be used to fill any assignment that exceeds thirty (30) calendar days, unless a noncompetitive process is permitted pursuant to Rule 7.01.
- C. A law enforcement officer is eligible for temporary assignment only if that officer meets the minimum qualifications of the classification as determined by the Business Liaison in consultation with the Director and as outlined in any applicable PCSO policy.
- D. When a temporary assignment is made, a wage increase commensurate with the increased rank and responsibilities assumed during the temporary promotion will be awarded. At the conclusion of the temporary assignment, the assignment pay increase will be forfeited.
- E. A temporary assignment to a position not in the classified service and not covered by these Rules shall not result in abridgment of any rights

that the law enforcement officer may have had prior to the temporary detail.

### **7.03 ASSIGNMENT PAY FOR SPECIAL SKILLS AND FOR DIFFICULT TO FILL LATERAL WORK ASSIGNMENTS**

For certain lateral work assignments that require special skills, involve other special qualifying factors, or are difficult to fill, a law enforcement officer may receive a five percent (5%) assignment pay increase for the duration of the qualifying assignment as determined by the Sheriff. An increase of greater than five percent (5%) for an assignment may be approved in limited circumstances as determined by the Sheriff with the concurrence of the Director. If a law enforcement officer holds more than one qualifying assignment, only one assignment pay increase shall be awarded. When a law enforcement officer ends or completes the assignment, the assignment pay increase is forfeited. These lateral work assignments are filled through a competitive process, unless waived by the Sheriff with concurrence of the Director pursuant to Rule 7.01.

### **7.04 DETAIL TO PROFESSIONAL MANAGEMENT ASSIGNMENT**

To fill a role equivalent to Deputy Chief, the Sheriff may make a special assignment for a classified, Regular status officer at the rank of Captain. A competitive process must be used to fill the assignment, unless a noncompetitive process is permitted per Rule 7.01.

An officer on special assignment shall retain the previously held rank in the classified service and is not exempt from these Rules while on special assignment. Upon conclusion of the special assignment, the officer shall return to the formerly held rank and position of Captain in the classified service and to the former pay rate. However, the officer's previous pay rate as a Captain will then be adjusted to reflect all wage increases authorized as performance or merit increases, cost of living adjustments, range adjustments, and any other wage adjustments that were given to that rank during the period of special assignment.



## **7.05 REAPPOINTMENT**

Reappointment is the rehiring of an individual who formerly was a Regular status officer, but was separated from employment due to a Reduction in Force, and who timely completed an application seeking reappointment and, once all AZPOST and PCSO standards were met for rehire, was rehired within one year. A reappointed officer, who is rehired for a position covered by these Rules, must complete a one-year probationary period. See Rule 5.04 for additional details.

## **7.06 REINSTATEMENT**

Reinstatement constitutes the reemployment within the classified service of a former Regular status law enforcement officer, who is rehired within one year from the date of employment separation and who resigned in good standing. Good standing includes, but is not limited to, evidence of a “meets standards” rating or better on the most recent performance evaluations.

If all AZPOST and PCSO standards are met for rehire, the officer may be reinstated noncompetitively to the position of Deputy Sheriff at a rate consistent with the PCSO officer step plan. An officer who resigned from a higher job classification within the Deputy series may only be reinstated to the position of Deputy Sheriff. However, at the discretion of the Sheriff, the starting salary may be adjusted to the top of the current market range for Deputy Sheriff, as long as it is not higher than the officer was receiving at the time of resignation and is not inconsistent with the step plan. An officer who is reinstated will complete a one-year probationary period.

## **7.07 REASSIGNMENT**

A reassignment is a competitive or non-competitive change in the assignment or role of a law enforcement officer, which involves particular tasks and is usually specialized in scope and/or limited in duration of time. The Sheriff has the authority and discretion to make reassignments within the Office as the Sheriff deems necessary based on operational or other business needs. An officer who is reassigned is not subject to probation, unless the officer was reassigned while already serving a term of probation. An officer who is reassigned has no right of appeal.

## **RULE 8 – PROMOTION, DEMOTION DURING PROMOTION PROBATION, AND VOLUNTARY DEMOTION**

### **8.01 PROMOTION**

- A. Vacancies will be filled whenever possible by promotion of officers within the Office giving appropriate consideration to qualifications, record of performance, seniority, and conduct in the field of law enforcement. Promotions shall be by competitive examination. Selection shall be made in accordance with A.R.S. § 38-1003 and procedures established in these Rules.
- B. A Regular status law enforcement officer, who is promoted to a position covered by these Rules, shall be required to serve a probationary period as provided in Rule 9.

### **8.02 DEMOTION DURING PROMOTION PROBATION**

- A. A law enforcement officer may be demoted to his/her former rank for failure to meet the performance standards of the new position during probation following a promotion. If no vacancy is available at the former rank, the officer may be demoted to Deputy Sheriff. The officer has no right to appeal this demotion. An officer who is demoted shall serve a probationary period as provided in Rule 9.
- B. If no vacancy is available at the officer's former rank or for Deputy Sheriff, or the Sheriff determines that dismissal is the appropriate course of action, the officer may be dismissed by the Sheriff with the concurrence of the Director. A Regular status officer does have a right to appeal the dismissal.

### **8.03 VOLUNTARY DEMOTION**

If a law enforcement officer makes a written request for voluntary demotion within the Office, the Sheriff may make such demotion, either competitively or noncompetitively, following verification by the Business Liaison in consultation with the Director that the officer meets the minimum qualifications for the position. An officer who takes a voluntary demotion is subject to a probationary period per Rule 9. The Sheriff shall submit a copy of the officer's written request for a voluntary demotion to

the Director. Because the demotion is voluntary, the officer has no right of appeal under these Rules.

## **RULE 9 – PROBATIONARY PERIODS**

### **9.01 NATURE, DURATION, AND PURPOSE**

#### **A. Probationary Period**

The probationary period, whether arising from a regular appointment, promotional or external appointment, voluntary or involuntary demotion, reappointment, or reinstatement, shall be utilized for the effective adjustment of an officer to the position and for removal of any law enforcement officer whose performance does not, in the judgment of the Sheriff, meet the required performance standards. The probationary period is one (1) year in length. The only exception is that an officer, who fails to meet the performance standards of the new position during probation following a promotion and is demoted, shall serve a new probationary period of six (6) months. In accordance with Rule 2.05, an officer's performance shall be evaluated prior to completion of a probationary period.

In the judgment of the Sheriff, if a law enforcement officer is not meeting required performance standards, the Sheriff may extend the initial probationary period to allow for additional time to properly assess an officer's suitability for the position. This performance-based probationary extension may not exceed six (6) months. However, this does not preclude an extension of a probationary period pursuant to Rule 9.01(E).

The law enforcement officer shall be given written notice by the Sheriff of any performance-based extension of the probationary period prior to the expiration of the established initial probationary period. If timely notice is not given, the officer will be considered to have successfully completed probation.

#### **B. Probation for Regular Appointment, External Appointment, Reappointment, or Reinstatement**

All law enforcement officers, who are regularly appointed, reappointed, reinstated, or externally appointed, shall begin serving the probationary period on the first day of employment in the new position. If the Sheriff determines at any time during the initial or extended probationary period that the performance of the law enforcement officer is unsatisfactory, the law enforcement officer will

be deemed to have failed the probationary period and may be dismissed after review of the decision by the Director and upon written notice to the officer by the Sheriff. Any officer who is dismissed during the probationary or extended probationary period has no right of appeal under these Rules.

**C. Promotion Probation**

A law enforcement officer who is promoted will serve a probationary period. A promoted officer who fails to meet the performance standards of the new position during the probationary or extended probationary period may be demoted in accordance with Rule 8.02. This demotion is without right of appeal. If no vacancy exists for a demotion per Rule 8.02, the Sheriff shall dismiss the officer with the concurrence of the Director. A Regular status officer does have the right to appeal the dismissal.

**D. Demotion Probation**

A law enforcement officer who is demoted, either voluntarily or involuntarily, shall serve a probationary period. If the Sheriff determines at any time during the initial or extended probationary period that the performance of the officer is unsatisfactory, the officer will be deemed to have failed the probationary period. An officer who fails to successfully complete the probationary period shall be dismissed by the Sheriff with the concurrence of the Director. A Regular status officer does have the right to appeal the dismissal.

**E. Probation Extension Based on Absences or Modified Duty**

Time taken as leave, which includes but is not limited to vacation, bereavement, sick time, worker's compensation absences, unpaid time off, as well as time working in a modified duty status, that does not collectively exceed one hundred sixty (160) working hours shall be counted as time served toward completion of the probationary period. Once the total amount of time exceeds one hundred sixty (160) working hours, the probationary period (whether during initial probation or during a performance-based probationary extension) shall automatically be extended equivalent to any leave taken or time served in a modified duty status beyond one hundred sixty (160) working hours. Compensatory time earned for working overtime and taken during the probationary period is not considered leave time for purposes of this calculation.

## **9.02 CONDITIONS PRELIMINARY TO REGULAR STATUS**

A law enforcement officer, who is regularly appointed, externally appointed, reappointed, or reinstated, must successfully complete probation, which includes any probation extension, to achieve Regular status within the classified service.

## **RULE 10 – SEPARATION AND DISMISSAL**

### **10.01 RESIGNATION**

- A. A law enforcement officer who desires to resign from service with the Office shall submit a written resignation to the Sheriff at least fourteen (14) calendar days prior to the effective date of the resignation.
- B. Failure of the law enforcement officer who resigns to give proper notice may jeopardize consideration for future employment with the Office or the County.

### **10.02 DISMISSAL DURING PROBATIONARY PERIOD**

A law enforcement officer may be dismissed by the Sheriff, after review by the Director, at any time during the probationary or extended probationary period following regular appointment, external appointment, reappointment, or reinstatement. This dismissal is without the right of appeal because the officer has not achieved Regular status. See Rule 9.02. However, a Regular status employee who is dismissed while on probation or extended probation does have a right of appeal. See Rule 9.01.

### **10.03 REDUCTION IN FORCE**

- A. The Sheriff may separate or dismiss a law enforcement officer due to lack of funds or work, a bona fide abolishment of a position, a reorganization resulting in the elimination of one or more positions, or a reduction in the Sheriff's statutory duties.
- B. The Sheriff shall prepare a Reduction in Force Plan. The Sheriff shall decide which classification will be affected by the Reduction in Force and when the Reduction in Force will occur. The Reduction in Force Plan must be approved consistent with County policy.
- C. When any classification is subject to a Reduction in Force, non-Regular status law enforcement officers in that same classification will be separated from employment before any Regular status law enforcement officer.

- D. When Regular status law enforcement officers in a classification become subject to a Reduction in Force, the Sheriff shall determine which officers shall be separated from employment based on seniority, performance, conduct, and/or qualifications of all Regular status law enforcement officers in that classification. The Reduction in Force Plan should set forth the process and method for weighing criteria.
- E. The law enforcement officers, who will be separated from employment due to the Reduction in Force, shall be notified consistent with County policy. The written notice must be delivered via service per Rule 2.10. A copy of the notice shall be sent to the Sheriff. The notice must inform the law enforcement officer of the effective date of the Reduction in Force and of the reappointment procedures in Rule 7.05.
- F. A Regular status officer may appeal dismissal due to a Reduction in Force to the Council only on the limited grounds that the Office did not follow the Reduction in Force procedures as set forth in these Rules. The preponderance of the evidence standard applies to this non-disciplinary, administrative dismissal. See A.R.S. § 38-1103 regarding administrative dismissals; see also A.R.S. § 38-1003.

#### **10.04 DISMISSAL FOR HEALTH OR MEDICAL REASON**

An inability to work for a health or medical reason may be cause for involuntary dismissal, but does not connote improper conduct or unsatisfactory performance on the part of the officer. This type of dismissal requires no corrective or progressive steps. The Director must approve the dismissal. An officer dismissed for this reason is eligible for future rehire. The preponderance of the evidence standard applies to this non-disciplinary, administrative dismissal. See A.R.S. § 38-1103 regarding administrative dismissals and demotions; see also A.R.S. § 38-1003.

#### **10.05 DISMISSAL FOR DISCIPLINARY REASON**

Dismissal of a law enforcement officer on Regular status for a disciplinary reason is covered in Rule 11.



## **RULE 11 – CORRECTIVE ACTION AND DISCIPLINARY ACTION**

### **11.01 GENERAL**

- A. Verbal and written coaching, training, and other similar options to improve conduct or work performance are encouraged before taking corrective action or disciplinary action.
- B. Based on the facts and circumstances, the Office will then generally follow a process of corrective action and disciplinary action, which is progressive in nature. Such a process helps to give law enforcement officers adequate notice and an opportunity to correct unacceptable behavior or unsatisfactory work performance.
- C. A combination of corrective action and disciplinary action may be used.
- D. The nature of an offense or violation may warrant or dictate overriding one or more progressive steps or the progressive process. A serious offense or violation may lead directly to disciplinary action, including dismissal.

### **11.02 TYPES OF CORRECTIVE ACTION**

#### **A. Verbal Reprimand**

A verbal reprimand is notification to a law enforcement officer of a job performance deficiency or misconduct and the expectation regarding improvement. A record of the verbal reprimand must be maintained. A verbal reprimand is not subject to appeal.

#### **B. Performance Improvement Plan**

A law enforcement officer may be issued a written Performance Improvement Plan ("PIP"), which sets forth specific details and information regarding how the officer's performance or conduct is expected to improve over a defined period of time. The officer's immediate supervisor is responsible for monitoring the PIP. A copy of the PIP shall be placed in the officer's PCSO employee file. Receipt of a PIP is not subject to appeal.

### **C. Letter of Reprimand**

A Letter of Reprimand (“LOR”) is an official, written notification to a law enforcement officer regarding the officer’s substandard job performance or conduct. The LOR should reflect the seriousness of the matter and the potential for disciplinary consequences if deficiencies are not satisfactorily addressed. An LOR is placed in the law enforcement officer’s PCSO employee file. Receipt of a Letter of Reprimand is not subject to appeal under these Rules.

## **11.03 DISCIPLINE – JUST CAUSE**

A Regular status law enforcement officer can only be subject to disciplinary action, i.e., dismissal, demotion, or suspension that is a result of misconduct or unsatisfactory performance, for Just Cause per A.R.S. § 38-1101 *et seq.* “Just Cause” is defined as:

- (a) The employer informed the law enforcement officer of the possible disciplinary action resulting from the officer’s conduct through agency manuals, employee handbooks, the Office rules and regulations, or other communications to the officer or the conduct was such that the officer should have reasonably known disciplinary action could occur;
- (b) The disciplinary action is reasonably related to the standards of conduct for a professional law enforcement officer, the mission of the Office, the orderly, efficient or safe operation of the Office or the officer’s fitness for duty;
- (c) The discipline is supported by a preponderance of evidence that the conduct occurred; and
- (d) The discipline is not excessive and is reasonably related to the seriousness of the offense and the officer’s service record.

#### **11.04 CONDUCT AND PERFORMANCE THAT CONSTITUTES A BASIS FOR DISCIPLINARY ACTION**

- A. Any violation of a PCSO policy or procedure, a Pinal County policy or procedure, or these Rules may warrant and result in disciplinary action.
- B. Conduct or performance which may serve as a basis for pursuing disciplinary action includes, but is not limited to:
  - 1. Fraud or wrongdoing in securing or maintaining employment;
  - 2. Incompetence in performance of duties;
  - 3. Inefficiency in performance of duties;
  - 4. Poor judgment which negatively impacts performance of duties or affects the officer's suitability for continued employment;
  - 5. Abuse of leave or absence without authorized leave;
  - 6. Neglect of duty;
  - 7. Insubordination or willful disobedience;
  - 8. Dishonesty;
  - 9. Discourteous treatment of the public or a fellow employee;
  - 10. Use of abusive or unprofessional conduct when interacting with the public, an employee, or a supervisor;
  - 11. Violation of safety rules or practices;
  - 12. Violence in the workplace;
  - 13. Conduct, on or off duty, of such a nature that it would tend to bring discredit to the Office or compromise public confidence in law enforcement;
  - 14. Possessing, dispensing, or being under the influence of alcohol, a narcotic, barbiturate, marijuana, tranquilizer, hallucinogenic, or any other drug listed and/or defined in A.R.S. § 13-3401, which would affect the officer's suitability for continued employment, except in accordance with medical authorization and consistent with applicable law and certification standards or, after receiving official authorization, as part of the lawful performance of the officer's regularly assigned duties;
  - 15. Violation of a Board authorized policy which supports a drug-free workplace or which opposes substance abuse;
  - 16. Commission or conviction of a misdemeanor or felony, which would affect the officer's suitability for continued employment;
  - 17. Failure of an officer, who is charged with or convicted of a criminal misdemeanor or felony, to promptly notify the Sheriff;

18. Improper political activity as proscribed by state or federal law;
19. Misuse of government property;
20. Misappropriation of funds or serving as an accomplice thereto;
21. Revocation, suspension, or loss of certification issued by a governmental or administrative entity, or loss of Arizona driving privileges, where certification or privileges are a requirement of the position;
22. Continued unsatisfactory performance of one or more duties or responsibilities following progressive measures;
23. Violation of a policy governing outside or off-duty employment;
24. Violation of a County or Office policy or procedure;
25. Violation of the Code of Ethics; or
26. Improper conduct or performance of such severity or seriousness as to constitute cause for disciplinary action.

## **11.05 TYPES OF DISCIPLINARY ACTION**

### **A. Suspension**

A law enforcement officer on Regular status may be suspended without pay, as a form of disciplinary action arising from unsatisfactory performance or misconduct, for Just Cause in accordance with A.R.S. § 38-1101 *et seq.* and as provided in these Rules.

1. The officer is entitled to a Notice of Intent to Discipline and, thereafter, a *Loudermill* hearing before the Sheriff makes a final determination regarding suspension.
2. A suspension shall not exceed one hundred sixty (160) hours. In application, given that officers work shifts of varying lengths, a suspension is calculated in terms of the number of regularly scheduled work hours that the officer will be suspended. However, the total number of hours suspended from regularly scheduled work must not exceed one hundred sixty (160).
3. A law enforcement officer who has received a disciplinary suspension without pay will not be permitted to continue to receive a salary through the period of suspension by using accrued vacation, compensatory time, or another form of paid leave, nor will the officer be permitted to work on his/her regular day off during the same pay period or accrue overtime during the same

pay period. The term of suspension will be served on consecutive working days.

4. A law enforcement officer on Regular status may appeal a suspension to the Council as provided in these Rules.

#### **B. Demotion**

The Sheriff may demote a law enforcement officer on Regular status, as a form of disciplinary action arising from unsatisfactory performance or misconduct, for Just Cause pursuant to A.R.S. § 38-1101 *et seq.* and as provided in these Rules.

1. The officer is entitled to a Notice of Intent to Discipline and, thereafter, a *Loudermill* hearing before the Sheriff makes a final determination regarding a disciplinary demotion.
2. A disciplinary demotion is considered major discipline.
3. A Regular status law enforcement officer who is demoted as a form of disciplinary action may appeal the demotion to the Council as provided in these Rules.
4. See Rule 8.02 for more details regarding a demotion arising from failure to meet the performance standards of the position during promotion probation.

#### **C. Dismissal**

The Sheriff may involuntarily dismiss a law enforcement officer on Regular status, as a form of disciplinary action arising from unsatisfactory performance or misconduct, for Just Cause pursuant to A.R.S. § 38-1101 *et seq.* and as provided in these Rules.

1. The officer is entitled to a Notice of Intent to Discipline and, thereafter, a *Loudermill* hearing before the Sheriff makes a final determination regarding involuntary dismissal.
2. A disciplinary dismissal is the most significant form of discipline.
3. A Regular status law enforcement officer may appeal an involuntary dismissal to the Council as provided in these Rules.

4. A law enforcement officer dismissed as a form of disciplinary action is not eligible for rehire within the Office or the County, unless the former officer obtains approval to apply for non-officer positions after seeking rehire reconsideration pursuant to County policy.

#### **11.06 ADMINISTRATIVE LEAVE WITH PAY**

The Sheriff may place a law enforcement officer on non-disciplinary administrative leave with pay. Circumstances warranting such action include, but are not limited to, relieving an officer immediately from employment responsibilities and duties during an administrative inquiry or investigation involving an alleged policy violation.

The Sheriff shall provide the law enforcement officer with written notification of the administrative leave with pay, which shall include the terms and conditions of the leave. Violation of any term or condition of leave may be grounds for disciplinary action. A copy of the notification will be placed in the officer's PCSO employee file.

For any administrative leave with pay that will extend beyond ninety (90) calendar days, the Sheriff's preapproval of the extension and the concurrence of the County Manager are required.

At the conclusion of the administrative leave with pay, the Sheriff shall provide the officer with written notification regarding the officer's return to work or employment status. A copy will be placed in the officer's PCSO employee file. Placement on administrative leave with pay is not subject to appeal.

#### **11.07 NOTICE OF INTENT TO DISCIPLINE**

Prior to taking any disciplinary action, the Sheriff will provide the law enforcement officer with a Notice of Intent to Discipline. The Notice of Intent to Discipline shall contain the factual basis and specific reasons for the intent to discipline, the type of discipline intended, and the Just Cause basis for the intended discipline. For any disciplinary suspension, the Notice of Intent to Discipline also will include the intended duration of

the suspension. Service of the Notice of Intent to Discipline shall be in accordance with Rule 2.10.

The Notice of Intent to Discipline shall further provide the law enforcement officer with a minimum of seven (7) calendar days to respond orally and/or in writing and will include the date, time and location of the *Loudermill* hearing. A hearing extension will only be granted for good cause. The Sheriff shall submit a copy of the Notice of Intent to Discipline to the Director.

#### **11.08 PRE-DISCIPLINARY ACTION – SAME OR SIMILAR VIOLATIONS**

According to A.R.S. § 38-1104, after the Sheriff completes an investigation of a law enforcement officer and if the Sheriff seeks disciplinary action, at the request of the law enforcement officer, the Sheriff shall provide a basic summary of any discipline ordered for the same or a similar violation within the previous two (2) years against any other law enforcement officer of generally similar rank and experience employed by the Sheriff. As an alternative, the Sheriff may provide file copies of the relevant disciplinary cases. Following such a request, the Sheriff shall not schedule a *Loudermill* hearing or make a final discipline decision until any information responsive to the request is provided to the law enforcement officer.

#### **11.09 LOUDERMILL PRE-DETERMINATION HEARING**

The *Loudermill* hearing is a predetermination hearing. The hearing is essentially a meeting with the Sheriff (or a designee authorized to make the discipline determination) to allow the law enforcement officer who has received a Notice of Intent to Discipline an opportunity to offer reasons or explain why the intended discipline should not be imposed. At this hearing, the law enforcement officer is not entitled to be represented by an attorney. The officer also cannot present, confront, or cross-examine witnesses.

#### **11.10 ORDER RE: DISCIPLINE DETERMINATION**

A. After the *Loudermill* hearing, if the Sheriff (or the designee authorized to make the discipline determination) decides to proceed with the intended discipline or a lesser form of disciplinary action, the Sheriff

shall provide the law enforcement officer with an Order re: Discipline Determination (“Discipline Determination”) that contains the discipline determination and the reasons for the discipline.

- B. In the Discipline Determination, the Sheriff shall include notice to the officer of the right to appeal the discipline decision to the Council. The Sheriff shall further inform the officer that, if an appeal is pursued, the officer is required to file the Notice of Appeal in writing with the Director within ten (10) calendar days from the date that the officer received the Discipline Determination via service per Rule 2.10. The Sheriff must submit a copy of the Discipline Determination to the Director.
- C. At any point after the *Loudermill* hearing, if the Sheriff decides to increase the proposed discipline, the Sheriff must issue a new Notice of Intent to Discipline, offer a new *Loudermill* hearing, and comply once again with all of the procedures in Rules 11.07, 11.08, 11.09, and 11.10.

#### **11.11 EFFECTIVE DATE OF DISCIPLINE**

A demotion, suspension, or dismissal shall be effective on the date stated in the Order re: Discipline Determination, even if the law enforcement officer elects to appeal the discipline decision to the Council.



## **RULE 12 – APPEALS**

### **12.01 STATUTORY AND RULES REQUIREMENTS**

All appeals will be addressed in accordance with A.R.S. § 38-1001 *et seq.*, A.R.S. § 38-1101 *et seq.*, and these Rules. The Arizona statutes are detailed and must be consulted for each Appeal to ensure compliance. If any Rules provision is inconsistent or in conflict with any Arizona statutory provision, the statute will apply.

### **12.02 MATTERS WHICH MAY BE APPEALED**

- A. Only a law enforcement officer on Regular status may appeal disciplinary action resulting in a dismissal, suspension, or demotion to the Council.
- B. However, a Regular status officer, who does not meet the performance standards of the new position following promotion, and therefore does not pass probation and is demoted in accordance with these Rules, has no right to Appeal the demotion. See Rule 9.
- C. Any law enforcement officer, who is identified as at will or who otherwise has a status or circumstance identified in these Rules as having no right of Appeal, may not bring an Appeal to the Council.
- D. Claims of discrimination, harassment, or retaliation based upon federal or state civil rights law shall be filed with County Human Resources and/or the appropriate state or federal administrative agency charged with enforcement of the law. Such claims include, but are not limited to, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act as Amended (“ADAAA”), the Age Discrimination in Employment Act (“ADEA”), the Equal Pay Act (“EPA”), and the Family Medical Leave Act (“FMLA”). The Council is without jurisdiction to hear these non-disciplinary action claims.
- E. Matters not specifically addressed in these Rules are not within the jurisdiction of the Council and cannot be appealed to the Council.

## **12.03 APPEALS TO THE COUNCIL**

### **A. Filing the Appeal**

Appeals to the Council must be filed with the Director. The law enforcement officer must file a Notice of Appeal in writing within ten (10) calendar days from the date the officer received the Sheriff's Order re: Discipline Determination via service per Rule 2.10. If the officer fails to timely file the Notice of Appeal, the Council will not hear the Appeal.

### **B. Content of Written Notice of Appeal**

The written Notice of Appeal shall state the facts upon which the Appeal is based and the remedy requested.

### **C. Transmittal of Notice of Appeal to Council**

Upon receipt of the Notice of Appeal, the Director will transmit it and the Order re: Discipline Determination to the Council. The Director shall also forward a copy of the Notice of Appeal to Respondent.

### **D. Answer to Appeal**

Respondent need not file an Answer to the Appeal. However, if an Answer is filed prior to the hearing, it must be submitted to the Director, who will provide a copy to the Council and to the Appellant.

## **12.04 JURISDICTION DETERMINATION**

A. The Director shall make an initial determination regarding whether the Council has jurisdiction over the Appeal.

B. If the Director determines that the Council has jurisdiction, the Appeal hearing shall be scheduled in accordance with these Rules. If the Director determines that the Council does not have jurisdiction, the Director shall so notify the law enforcement officer and the Sheriff in writing.

C. Any party disputing this initial determination of jurisdiction must file a written Objection to Jurisdiction Determination with the Director within ten (10) calendar days from the date of receipt of the Director's written notice either scheduling the Appeal hearing or dismissing the Appeal for lack of jurisdiction.

- D. The Director shall submit the Objection to Jurisdiction Determination to the Council Chair and provide a copy to the other party. The Council Chair may elect to request a written memorandum from each party addressing the jurisdiction issue only.
- E. If the Council concludes that the Council has jurisdiction to hear the Appeal, the Appeal hearing shall be scheduled in accordance with these Rules. If the Council concludes that it does not have jurisdiction, then the Appeal shall be dismissed.

## **12.05 HEARING OFFICER**

### **A. Assignment of Hearing Officer**

The Council may assign an Appeal to a Hearing Officer from a list of hearing officers maintained by the Director. When an Appeal is assigned, the Hearing Officer shall be the authorized representative of the Council and is fully empowered to grant or refuse extensions of time, set the proceedings for the hearing, conduct the hearing, and take all action in connection with the proceedings which the Council itself is authorized to take by law or by these Rules, other than making the final Findings of Fact, Conclusions of Law, and Order. No assignment of an Appeal to a Hearing Officer shall preclude the Council from withdrawing the assignment and conducting the hearing itself or from reassigning an Appeal to another Hearing Officer.

### **B. Change of Hearing Officer**

Pursuant to A.R.S. § 38-1106, within ten (10) calendar days after the appointment of a Hearing Officer to conduct a hearing, any party may request a change of hearing officer. On the first request of the party, the change shall be granted. Any subsequent request by that party may be granted only upon a showing that a fair and impartial hearing cannot be obtained due to the prejudice of the assigned Hearing Officer. The Council shall decide whether a showing of prejudice has been made.

## **12.06 SCHEDULING THE APPEAL HEARING**

### **A. Setting a Hearing Date**

Within twenty (20) calendar days from receipt of the Notice of Appeal and the Order re: Discipline Determination, the Council shall set a date for the Appeal hearing.

### **B. Notice of Hearing**

The Director shall send written notice of the date, time, and place for the Appeal hearing and, if applicable, the name of the Hearing Officer to the Appellant and the Respondent. The Notice of Hearing shall be served in accordance with Rule 2.10.

### **C. Place of Hearing**

Appeals shall be heard in Florence, Arizona, unless a request is filed at least fourteen (14) calendar days prior to the hearing to have the Appeal heard in another location within the County. Both parties, as well as the Council or assigned Hearing Officer, must agree to such a request.

### **D. Continuance of Hearing**

Either party may request a continuance of the hearing. Absent an exigent circumstance, such a request must be submitted to the Director, in writing, at least fourteen (14) calendar days prior to the date set for the Appeal hearing. The Director will send a copy of the request to the other party and the Hearing Officer or Council Chair. Only the Hearing Officer or Council Chair can grant or deny a request for a continuance. The Hearing Officer or Council Chair will provide the other party four (4) calendar days to make a written objection to the continuance before making a final ruling on the request for a continuance. A decision to grant or deny a continuance is final.

### **E. Waiver of Appeal Hearing**

If Appellant fails to appear within 30 minutes of the time and at the place set for the hearing, Appellant will waive the right to a post-disciplinary appeal hearing, unless Appellant provides proof of emergency circumstances beyond Appellant's control. The sufficiency of such proof shall be determined by the Hearing Officer or Council Chair. Respondent will be permitted to present its case during the scheduled hearing.

## **12.07 HEARING PREPARATIONS**

### **A. Exchange of Witness/Other Person Information and Documents**

Prior to the Appeal hearing, Appellant and Respondent shall exchange information regarding witnesses and other persons and shall exchange relevant documents. The type of information to be provided for each witness and person, the type of documents to be exchanged, the timing for the exchange of each, and other pre-hearing requirements are set forth in A.R.S. § 38-1106.

### **B. Transcript**

Pursuant to A.R.S. § 38-1106, if a transcript is required for an Appeal hearing, Respondent shall obtain the transcript and provide a copy to Appellant within ten (10) calendar days after Respondent's receipt of the transcript.

### **C. Discovery**

In addition to the requirements of A.R.S. § 38-1106, each party may pursue discovery by providing the other party with a written discovery request. The request must be made at least fourteen (14) calendar days before the date set for the Appeal hearing, with a copy of the discovery request provided to the Director for transmittal to the Hearing Officer or Council Chair. A party shall provide the requested discovery to the requestor within five (5) calendar days following receipt of the request. Any discovery objections shall be filed with the Director. The Director shall transmit the objections to the other party as well as the Hearing Officer or Council Chair, who will timely rule on the objections.

### **D. Discovery Objection Based on Harm**

According to A.R.S. § 38-1106, either party may seek a determination by the Hearing Officer or the Council regarding any evidence that the party believes should not be disclosed because the risk of harm involved in disclosure outweighs any usefulness of the disclosure in the Appeal hearing. In determining whether evidence shall be disclosed, the Hearing Officer or Council may perform an in camera review of the evidence and may disclose the material subject to any restriction on the disclosure, including the closing of the hearing or the sealing of the records, that the Hearing Officer or Council finds necessary under the circumstances.

#### **E. Virtual Appearance of Witness**

If a witness does not reside within the County, does not reside or work within one hundred (100) miles of the place where the Appeal hearing is to be held, is too infirm to attend the hearing, or cannot attend the hearing in person for other good cause, the parties may file a stipulated motion to allow the witness to appear virtually. Alternatively, a party may file a motion to permit a witness to appear virtually at the hearing. The Director shall transmit the motion to the Hearing Officer or Council Chair and to the other party, who may file an objection. The Hearing Officer or Council Chair will timely rule on the motion.

### **12.08 SUBPOENA REQUESTS**

- A. Pursuant to A.R.S. § 11-218, Appellant or Respondent may request that the Board of Supervisors issue a subpoena to compel attendance of any person or compel production of any record relevant to an issue on Appeal. To compel attendance of individuals, a Request for Subpoena shall be in the form of a written request submitted to the Director, which contains the names and addresses of the persons with relevant information that Appellant or Respondent wants to subpoena to appear at the Appeal hearing. For documents and other records, the Request for Subpoena shall provide the names of custodians of record, specific County departments (if applicable), and a description of the relevant records sought.
- B. All subpoenas shall be considered served on a Pinal County employee when the Director sends the subpoena to the employee's Pinal County email address and then receives a written acknowledgment of receipt from the employee. Alternatively, the subpoena may be served on an employee via personal service or registered mail in accordance with Rule 2.10. Any party may request personal service of a subpoena on a non-County employee, but such service will be made at the expense of the requesting party.
- C. Any County employee subpoenaed to appear at an Appeal hearing shall consider the time at the hearing location, while waiting to testify and while testifying, as time worked for the purpose of tracking or reporting hours worked for that week.

- D. In the event any person fails to appear and/or produce records in response to a subpoena, relief may be sought as permitted under A.R.S. §§ 11-218, 12-2212.

## **12.09 WITNESS FEES AND MILEAGE**

Witnesses, other than County employees, who are subpoenaed to attend the hearing may request witness fees and mileage pursuant to A.R.S. § 12-303, which shall be paid by the party requesting attendance. If the Council or Hearing Officer on his/her own motion subpoenas a witness, then the fees and mileage will be paid from Council funds upon presentation of a duly executed claim.

## **12.10 HEARING PROCEDURES**

### **A. Applicable Procedures**

Each hearing shall be held in accordance with A.R.S. § 38-1001 *et seq.*, A.R.S. § 38-1101 *et seq.*, these Rules, and any other Appeal hearing procedures adopted by the Council.

### **B. Appellant's Appearance at Hearing and Legal Counsel**

The Appellant shall appear personally at the hearing. During Appeal proceedings, including the hearing, parties may be represented by legal counsel.

### **C. Open Hearing**

Pursuant to A.R.S. § 38-1004 and A.R.S. § 38-1106, the Appeal hearing shall be open to the public. However, per A.R.S. § 38-1004, when there is a single Hearing Officer conducting the hearing, the Hearing Officer can determine that good cause exists to close the hearing.

### **D. Exclusion of Witnesses**

Upon motion of the Appellant or Respondent, the Hearing Officer or Council Chair may exclude from the hearing room any witnesses who are not at the time under examination. Appellant, Respondent, and their respective legal counsel shall not be excluded from the hearing room.

**E. Recorded Hearing**

All testimony at the hearing shall be recorded manually or by mechanical or electronic device. The Council is responsible for the recording and shall pay all charges incurred in connection with the presence of a court reporter or the utilization of mechanical or electronic devices. However, the cost for the preparation of all or any part of any transcript of the hearing is the responsibility of the party ordering the transcript.

**F. Evidence in Hearing**

The hearing shall be informal and technical rules of procedure and evidence shall not apply to the proceedings, except that irrelevant, immaterial, incompetent, or unduly repetitious evidence may be excluded. Information protected by a privilege recognized by law is excluded.

**G. Timely Completion of Administration Investigation**

In accordance with A.R.S. § 38-1110, the Hearing Officer or Council shall determine whether Respondent made a good faith effort to complete any administrative investigation relevant to the disciplinary action within the statutory time limits, i.e., within one hundred eighty (180) calendar days or within a statutorily permitted extension of time.

**H. Burden of Proof**

Pursuant to A.R.S. § 38-1106, Respondent has the burden of proof in an Appeal of a disciplinary action.

**12.11 HEARING OFFICER'S REPORT**

**A. Hearing Officer's Recommendation to Council**

A Hearing Officer who conducts an Appeal hearing shall prepare a report for the Council. The report shall include proposed findings of fact, proposed conclusions of law, and a disposition recommendation ("Hearing Officer's Report"), which complies with A.R.S. § 38-1106 and is in such form as the Council instructs. The Hearing Officer shall submit the Hearing Officer's Report to the Director within twenty (20) calendar days after the Appeal hearing has concluded, unless the Council Chair gives prior approval to extend the time.



The Director shall transmit a copy of the Hearing Officer's Report to all members of the Council. The Director shall also transmit a copy of the Hearing Officer's Report to Appellant, Respondent, and their respective legal representatives in accordance with Rule 2.10.

**B. Objections to Hearing Officer's Report**

Any party may submit written objections (not post-hearing evidence) to the Hearing Officer's Report within fourteen (14) calendar days from receipt of the report (see Rule 2.10). Objections must be filed with the Director, who will provide a copy to the Council and to all parties and their respective legal counsel.

**12.12 WITHDRAWAL OF APPEAL**

The Appellant may submit a written notice withdrawing the Appeal at any time prior to the Council issuing its final Findings of Fact, Conclusion of Law, and Order. The written notice shall be filed with the Director. The Director shall provide a copy to the Hearing Officer, Council, and Respondent.

**12.13 DECISION BY COUNCIL**

**A. Council's Authority – Hearing Officer's Report and Additional Evidence**

Where a Hearing Officer conducts the Appeal hearing, the Council may adopt the Hearing Officer's Report in its entirety, or modify it, or may itself decide the case upon the record. The Council may also choose to take additional evidence, or may choose to refer the case to the same or another Hearing Officer to take additional evidence.

**B. Standard of Review**

For all Appeals and any Council determinations, the Council shall apply the arbitrary or capricious standard of review. Therefore, after an Appeal hearing involving a disciplinary action, if a majority of the Council determines that the Sheriff acted arbitrarily or capriciously in finding just cause for discipline, the disciplinary action shall be revoked or modified. Otherwise, the action shall be affirmed.

**C. Council's Findings of Fact, Conclusions of Law, and Order**

The Council shall issue a final Findings of Fact, Conclusions of Law, and Order ("Council's Order") within thirty (30) calendar days following the Council's vote on the Appeal. The Council's Order shall conform to all A.R.S. § 38-1001 *et seq.* and A.R.S. § 38-1101 *et seq.* requirements. The Director will simultaneously send a copy of the Council's Order to Appellant, Respondent and any respective legal counsel via Rule 2.10.

**D. Respondent's Original Investigation File**

Pursuant to A.R.S. § 38-1106, upon receipt of the Council's Order, Respondent shall include the Council's Order in the original investigative file.

**12.14 COMPENSATION, FEES, AND COST**

**A. Compensation and Deductions**

Pursuant to A.R.S. § 38-1106, an Appellant who prevails on Appeal, where termination from employment has been reversed, shall be awarded retroactive compensation from the date of Appellant's separation to the date of reinstatement. However, the Council may reduce Appellant's retroactive compensation if Appellant requested a hearing continuance, had alternative employment earnings while separated, engaged in action or misconduct warranting a suspension or demotion, would have been unable to perform the duties of a law enforcement officer for a period of time following separation from the Office, and/or if Appellant or Appellant's representative caused undue delay in setting the hearing date.

Where an Appellant prevails on Appeal from a suspension or demotion, Council shall award reimbursement for lost compensation in a manner that is equitable and appropriate given the circumstances.

**B. Award of Attorney Fees and Costs**

If Appellant prevails on Appeal of a dismissal, a demotion, or a suspension greater than sixteen (16) hours, the Council may consider awarding attorney fees and costs pursuant to A.R.S. § 38-1003(6).

## **12.15 FINAL ORDER, COMPLIANCE, AND ADMINISTRATIVE REVIEW**

The Council's Order is final and subject to administrative review as provided in A.R.S. § 12-901 *et seq.*

If Appellant prevails on Appeal to the Council, Respondent shall have thirty-five (35) calendar days from the date of service of the Council's Order, with delivery effectuated as prescribed under A.R.S. § 12-904, to either file a Complaint seeking administrative review in accordance with A.R.S. § 12-901 *et seq.* or to take such measures as are necessary to comply with the Council's Order. Respondent shall submit to the Director either a report showing compliance with the Council's Order or a copy of the Complaint filed in Superior Court. The Director shall provide a copy of the report or Complaint to the Council.

Pursuant to A.R.S. § 38-1004 and A.R.S. § 12-901 *et seq.*, if Appellant does not prevail on Appeal to the Council, Appellant shall have thirty-five (35) calendar days from the date of service of the Council's Order, with delivery effectuated as prescribed under A.R.S. § 12-904, to seek administrative review in Superior Court.

## **RULE 13 – CODE OF ETHICS AND STANDARDS**

### **13.01 LAW ENFORCEMENT CODE OF ETHICS**

The Council shall adopt the Law Enforcement Code of Ethics currently in use by the Office. All law enforcement officers are expected to abide by this Law Enforcement Code of Ethics:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice. I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

### **13.02 CODE OF ETHICS – OBLIGATIONS, RESPONSIBILITIES, AND CONDUCT**

- A. An officer must maintain high standards of honesty, integrity, and conduct to preserve public confidence in law enforcement and County government.
- B. An officer's official acts must reflect impartiality. An officer's decisions and actions must be guided by impersonal considerations, free from any taint of favoritism, prejudice, personal ambition, or partisan demands.
- C. An officer shall scrupulously observe the applicable laws and regulations governing conflicts of interest and participation in political activity.
- D. An officer shall not do any work in a private capacity which may be construed by the public as an official act without receiving prior written approval from the Sheriff.
- E. An officer shall not accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan, which is or may appear to be designed to, in any manner, influence official conduct, especially from an individual who has an interest that might substantially be affected by the performance or nonperformance of the officer's duties.
  - 1. This provision does not prohibit acceptance of food or refreshment of insignificant value on infrequent occasions in the ordinary course of a meeting, conference, or other occasion where the officer is properly in attendance.
  - 2. Nor does it prohibit the acceptance of unsolicited advertising or promotional material, such as pens, pencils, calendars, and other items of nominal intrinsic value.
- F. An officer shall not directly or indirectly use or allow the use of County property of any kind, including property leased to the County, for other than official, approved activities. An officer has a duty to proactively protect and conserve County property, including

equipment, supplies, and other property entrusted and issued to the officer.

- G. An officer must never place oneself under any kind of personal obligation that could lead another person to expect official favors.
- H. An officer shall not engage in any other employment or outside activity that is not compatible with the full and proper discharge of the officer's law enforcement duties and responsibilities or which tends to impair the officer's ability or capacity to perform law enforcement duties in an acceptable manner.
- I. An officer shall conduct all official activities in a manner that is above reproach.

## **RULE 14 – CLASSIFICATION PLAN FOR LAW ENFORCEMENT OFFICERS**

### **14.01 CLASSIFICATION PLAN**

- A. The Classification Plan shall include appropriate titles and class specifications for law enforcement officer positions.
- B. From time to time, based on a recommendation from the Sheriff and in accordance with A.R.S. § 38-1003, the Council shall classify or reclassify specified positions occupied by law enforcement officers and recommend schedules of salary and other compensation payable for the officer classification.
- C. From time to time, pursuant to A.R.S. § 38-1003, the Council shall review the standards and qualifications of the classified positions and recommend any changes to the Director.

### **14.02 INTERPRETATION OF CLASS SPECIFICATIONS**

#### **A. Class Specifications**

Class specifications are descriptive and explanatory and are not restrictive. They are designed to indicate the kinds of positions which should be allocated to a class as determined by the duties or responsibilities and shall not be construed as describing what the duties or responsibilities of any particular position shall be. The use of an individual expression or illustration as to duties or responsibilities shall not be regarded as excluding others not mentioned, which are similar in kind or quality. The language of class specifications is not intended to be all inclusive or restrictive and is not to be construed as limiting or modifying the authority which the Sheriff has to take from, add to, eliminate entirely, or otherwise change duties and responsibilities, to assign duties or delegate responsibility to officers, or direct and control their work. Material and permanent or indefinite changes in the duties and responsibilities of a position must be reported to and approved by the Director.

#### **B. Minimum Qualifications**

Minimum qualifications are comprehensive statements of the minimum background as to education, experience, and other

qualifications which will be required in all cases as evidence of an Applicant's ability to perform the work properly.

Although not expressed in the class specification, all persons applying for or holding any position in the Office shall be required to meet the following general qualifications: integrity, honesty, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, and willingness and ability to assume and fulfill the responsibilities of the position. Where the position requires the operation of a motor vehicle, the Applicant or law enforcement officer must have a valid Arizona operator's license and shall operate the vehicle in conformance with the applicable motor vehicle laws. These qualifications shall be deemed to be part of the minimum qualifications of each class specification and need not be specifically set forth therein.

#### **14.03 CLASSIFICATION ADMINISTRATION**

##### **A. Allocation Factors for Positions**

Every law enforcement officer position in the Office shall be allocated by the Director, after consultation with the Business Liaison and Sheriff, to the appropriate class in the Classification Plan. The allocation of a position to a class shall derive from and be determined by the duties and responsibilities of the position and shall be based on the principle that all positions shall be included in the same class if:

1. They are sufficiently similar in respect to duties and responsibilities such that the same descriptive title may be used;
2. Substantially the same requirements as to training, experience, knowledge, and ability are demanded of incumbents;
3. Substantially the same test of fitness may be used in choosing qualified officers; and
4. The same schedule of compensation can be made to apply with equity.

##### **B. Classifying Newly Created Positions**

In accordance with A.R.S. § 38-1003, the Council shall classify any newly created position that was not previously classified. Thereafter, the Director shall allocate any additional positions of similar kind or quality to that class upon notification from the Sheriff. The Director



may study the Office to the extent necessary to determine the proper allocation.

**C. Reclassifying Existing Positions**

Pursuant to A.R.S. § 38-1003, upon recommendation of the Sheriff and following review by the Director, the Council shall reclassify any existing position when a material and permanent change in the duties or responsibilities occurs which warrants reallocating the position to another class within the Classification Plan.

**14.04 CLASSIFICATION OF POSITION**

The classification of a position shall be used to designate and identify the position in all budget estimates, payrolls, or other official records, documents, vouchers, and communication in connection with all human resources processes.

**14.05 OFFICIAL COPY OF CLASS SPECIFICATIONS**

The Director shall maintain a master set of all approved class specifications. These specifications shall constitute the official class specifications in the Classification Plan. Copies of the specifications for each class shall indicate the date of adoption or the last revision of the specifications for the class. Class specifications shall be available for inspection by law enforcement officers and the public at all times.

## **RULE 15 – SUPERVISION OF LAW ENFORCEMENT OFFICERS**

### **15.01 SUPERVISION OF OFFICERS WHEN TAKING ENFORCEMENT ACTION**

All law enforcement officers, regardless of position, shall be supervised by the Sheriff or a paid law enforcement officer during all enforcement activities requiring AZPOST certified peace officer status. See A.R.S. § 41-1823(B) (no person may exercise the authority or perform the duties of a peace officer unless AZPOST certified or a sheriff duly elected as required by the Arizona Constitution); see also Ariz. Admin. Code R13-4-103(A)(B).



# PINAL COUNTY

WIDE OPEN OPPORTUNITY

## AGENDA ITEM

6/3/2025

EOC Planning and Development Hearing Room - 301 E. 11th St, Florence, AZ 85122

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### REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: Boards & Commissions

Director: LEMC

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### BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Posted the 19th day of May, 2025 around 10:00am./Vina Bustos

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### BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

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### BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

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### MOTION:

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### ATTACHMENTS

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