

**PERSONNEL RELATED PROCESSES**

800.1	Cause of Action
800.2	General Provisions
800.3	Due Process
800.4	Access to Files
800.5	Appeals/Grievances
800.6	Denial of Rights
800.7	Suspended Employees
800.8	Modifications
800.9	Sexual/Racial Harassment/Discrimination
800.10	Disciplinary Authority
800.11	Relief from Duty
800.12	Cooperation and Truthfulness Required
800.13	Employment References



### **800.1 Cause of Action**

Personnel related processes shall include, but are not limited to: evaluations, letters of commendation or special recognition, letters of counseling, guidance/disciplinary forms, and recommendations of suspension, demotion, or dismissal.

- 800.1.1** Any requirement specified by CSULB Personnel Regulations or the Staff Personnel Services Department shall be deemed an appropriate cause of action.
- 800.1.2** Confirmed violations of established police procedure or ethics shall be deemed an appropriate cause of action and may result in disciplinary action.
- 800.1.3** Confirmed violations of any rule or regulation as defined by CSULB Personnel Regulations or this Manual shall be deemed an appropriate cause of action and may result in disciplinary action.

### **800.2 General Provisions**

All personnel related processes have a built-in system of supervisory and administrative review. Any supervisor may initiate a personnel document or process, as defined within the supervisor's scope of authority, which will be subject to the established review process through the employee's chain of command.

- 800.2.1** Generally, an employee's immediate supervisor will initiate personnel actions. In the case of suspension, demotion, or termination, the immediate supervisor may only recommend discipline.
- 800.2.2** At any point along an established review procedure, any initiated document or process may be modified by higher authority. Such modification may include increasing or decreasing recommended discipline, elimination of the document as inappropriate, or change in form and format of the document or process.
- 800.2.3** Initiation of discipline must take place on a timely basis. This will generally be interpreted as being within fourteen (14) days of the discovery of an infraction by a supervisor.

### **800.3 Due Process**

Employees shall be afforded due process in all disciplinary matters and shall be given an opportunity to offer an explanation of actions.

### **800.4 Access to Files**

Department personnel files and their contents shall be considered confidential information. Access to an employee's file shall be limited to the employee, the employee's chain-of-command, and other employees designated to serve in a personnel related capacity. While the Department may maintain certain files for ease of operations, only Staff Personnel Services maintains the official personnel files.

- 800.4.1** Unauthorized release of confidential information may result in disciplinary action.

### **800.5 Appeals/Grievances**

It is recognized that employees may disagree with a personnel related process or some element of a document. In addition to the automatic administrative review system, which also allows the employee to make specific remarks and offer individual perceptions, a system of appeal and/or grievance exists.

The application of this section is not to be confused with "Grievance" as defined in the S.U.P.A. and C.S.E.A. agreements, which relate to the administration of the agreements.

Employee grievances initiated under this section are not required to be related to any article found with the S.U.P.A. or C.S.E.A. agreements. It is the intent of this section to attempt to work out employee disputes internally, without processing through Staff Personnel Services or the Office of Employee Relations.

**800.5.1** Appeals of proposed suspensions, demotions, or terminations shall be made first to the reviewing supervisor and through the chain-of-command to the Chief.

**800.5.2** Appeals of evaluations shall be made to the reviewing supervisor. Where the Chief is the rater, the employee may file a rebuttal with Staff Personnel Services. Appropriate administrative action will be determined at that office.

**800.5.3** Appeals of letters of counseling/reprimands, guidance/discipline forms and other processes shall be made to the reviewing supervisor.

**800.5.4** Appeals beyond the internal levels, specified above, shall be filed with the Staff Personnel Services Department. Appropriate administrative review and action will be directed from that office.

### **800.6 Denial of Rights**

No supervisor shall deny or attempt to deny employees their appeal rights or the right to address grievances beyond an employee's immediate supervisor.

**800.6.1** No supervisor shall retaliate in any manner against an employee who has exercised an appeal/grievance right.

### **800.7 Suspended Employees**

Any police officer who is suspended shall be deprived of all police powers and privileges, except as a private citizen, and shall not represent the Department during the duration of the suspension.

**800.7.1** A suspended employee shall surrender all badges, commission cards, identification cards, department weapons, and department keys to the immediate supervisor.

**800.7.2** A suspended employee shall not wear a Department uniform during the duration of a suspension.

### **800.8 Modifications**

The Chief, the Division Commander of Field Services, the Division Commander of Administration Services, or the Division Commander of Support Services may modify or make exception to the lines of appeal under extraordinary circumstances, except those specified by CSULB.

### **800.9 Sexual/Racial Harassment/Discrimination**

No supervisor or employee of the Department shall practice or participate in any actions which are defined as sexual harassment/discrimination or racial harassment/discrimination.

The following, more detailed policy on sexual harassment is hereby adopted.

Sexual harassment will not be tolerated in this Department and in an effort to prevent such behavior and/or address acts of misconduct in this area, the following procedure has been established.

#### **800.9.1 Definition:**

Unwelcome sexual advances, request for sexual favors and/or other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- (b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.
- (c) Submission to such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

#### **800.9.2 Sexual Harassment Includes:**

- (a) Verbal Harassment: Repeated, unsolicited, derogatory comments or slurs, or continued requests for social or sexual contact after being advised such is unwelcome.
- (b) Physical Harassment: Physical interference or contact which impedes normal work movement when directed at an individual.
- (c) Visual Harassment: Derogatory posters, cartoons, or drawings, staring or leering.
- (d) Sexual Favors: Sexual advances which condition an employment benefit in exchange for sexual favors, or which may be perceived as such.

### **800.9.3 Employee's Role:**

There is no intent by this Department to regulate or control any relationship or social interactions of employees which are freely entered into by both parties.

The following are suggestions for all employees to help establish and maintain a professional and healthy working environment, while at the same time preventing sexual harassment from occurring.

- (a) It is this Department's philosophy that employees must set an example of acceptable conduct by not participating in or provoking behavior that is offensive.
- (b) Make it absolutely clear that you are not interested in, or flattered by, uninvited sexual advances.
- (c) Warn the harasser that the particular behavior is offensive and unwelcome. Be specific in advising that person about what conduct is offensive and unwelcome. Make it clear that you will take official action if it continues. If you foresee a problem, document the incident thoroughly.
- (d) If the harassing behavior continues, notify your immediate supervisor or any supervisor, including the Chief's office, documenting the notification. It is the employee's responsibility to bring sexual harassment behavior to the attention of a supervisor to ensure proper follow-up action.

**Note: You need not follow the chain-of-command.**

- (e) This Department will take all steps to prevent any retaliation against the complaining party or witnesses supporting that individual and appropriate sanctions will be imposed on any individual subjecting any party involved in this process to retaliation.

### **800.9.4 Supervisor's Role:**

- (a) Individual supervisors shall report and/or handle sexual harassment incidents where the supervisor **knows** or **should have known** of the incident by nature of his or her supervisory position.
- (b) Whether the complaining party requests formal or informal action, the supervisor **shall follow through**, either by the formal complaint process established by the Office of Affirmative Action or by verbally warning the harasser and documenting the admonishment.
- (c) The supervisor, as well as the Department, may be held civilly liable if swift corrective action is not taken. Any supervisor who fails to take corrective action shall be disciplined.

- (d) It is the responsibility of all supervisors to establish and maintain a working environment which is free from discriminatory intimidation, ridicule and insult.

**800.9.5 Investigation:**

As indicated above, it is the supervisor's obligation to document all incidents and action taken thereafter, involving allegations of sexual harassment. All such incidents must be reported to the Chief by the supervisor, at which time the Chief will determine whether an internal affairs investigation is required. An investigation may be conducted whether or not an involved party elects to pursue a complaint.

If, based upon the facts and circumstances presented, a decision is made to proceed, a full and complete investigation will be conducted by an individual selected by the Chief or by the Office of Affirmative Action. The investigation will be conducted as quickly as possible and, based upon that report, a decision will be made regarding whether disciplinary action is necessary.

Any and all rights which exist regarding confidentiality and/or privacy in these matters will be fully protected. The complainant's identity, however, will be disclosed if the investigation reveals the potential for formal disciplinary action or criminal prosecution.

Discipline up to and including termination may result from behavior found to constitute a violation of this directive.

**800.9.6 Seeking Outside Assistance**

Although it is the goal of this policy to identify and prevent sexually harassing behavior, if problems and/or concerns arise, the affected employee is urged to make use of the process set forth above. However, any employee has an absolute right to go directly to the Office of Affirmative Action, the California Department of Fair Employment and Housing, Federal Equal Employment Opportunity Commission for assistance or the CSULB Office of Equity and Diversity.

**800.10 Disciplinary Authority**

It is recognized that any supervisor may directly discipline (excluding, suspension, demotion, or termination) an employee of lesser rank or classification for an observed infraction, regardless of the employee's direct chain-of-command. Whether the supervisor exercises this authority or relays the information to the employee's direct chain-of-command will be contingent upon the circumstances.

**800.10.1** Observed infractions committed by an employee of equal or higher rank or classification shall be directed to the reporting employee's supervisor.

**800.10.2** OICs may not initiate any actions, but may make recommendations to the immediate supervisory.

**800.11 Relief from Duty**

In case of a situation in which the possibility of proposing termination, suspension, or demotion of a permanent employee is indicated, but where the Department needs time to conduct an investigation before proposing such action, or in a situation where immediate removal of an employee from the job is needed to avoid disruption of work, for the protection of persons or property, or for similar reasons, the employee may be relieved of duty with pay.

**800.11.1** Normally, the highest ranking supervisor on duty shall have the authority to invoke this regulation in situations of disruption, although it is recommended that administrative review be sought in advance when time permits. Supervisors invoking this regulation should be prepared to justify fully their actions and shall notify the Chief or a Division Commander at the earliest opportunity.

**800.11.2** The Chief, the Division Commander of Field Services, the Division Commander of Administrative Services, or the Division Commander of Support Services shall determine if this regulation is to be invoked in situations where an investigation is to occur.

**800.11.3** Nothing in this regulation shall give supervisors of this Department the authority to relieve from duty or escort from campus employees of other departments, although officers may be called upon to assist supervisors of other departments to enforce management rights.

### **800.12 Cooperation and Truthfulness Required (Also see Article IX)**

In accordance with CSULB regulations and State law, the Department has the right to investigate any alleged violation of law, rule or regulation. In conjunction with that right, employees of this Department are required to cooperate fully and truthfully with any investigation. Such investigations shall be conducted in accordance with all legal and due process rights of the employee protected.

To ensure employees are cognizant of their rights, warning forms are available which may be presented to an employee who is the subject of an investigation or who may have information relevant to an investigation. These forms may be presented to the employee at the discretion of the Department, but shall also be used when requested by the employee. Employees who fail to cooperate or answer truthfully in an official investigation may be subject to disciplinary action, including termination.

### **800.13 Employment References**

The only information that can be released about an employee is as follows:

- (a) Confirmation that an individual is employed by the State
- (b) Name of employing state agency
- (c) Current or prior title and job position
- (d) Current or prior rates of pay
- (e) Length of employment with the state
- (f) Length of time the employee has served in the employee's current or prior job position
- (g) Letters of Commendation



These inquiries shall be directed to the personnel related staff member and shall also apply to inquiries from financial institutions.

**800.13.1** Additional employment information may be released on police officers who are the subject of a background investigation by another criminal justice agency. No information will be released, however, with-out a waiver form signed by the employee. All such inquiries will be directed to the Chief or the appropriate Division Commander.

This page left blank