

ANNE ARUNDEL COUNTY DEPARTMENT OF DETENTION FACILITIES  ADMINISTRATIVE DIRECTIVE	AD NO: 03.05 DATE: July 1, 2023 SUBJECT: Personnel TITLE: Discipline and Disciplinary Procedures FOR PUBLIC RELEASE: Yes
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- I. Reference: AD 01.04, 01.08, 03.01, 03.02, 03.06, 03.07, 03.10, 03.11, 03.12, 03.17, 03.20, 03.22, 03.24, 03.25, 03.29, 03.33; Anne Arundel County Code § 6-4-101 through 6-1-113; Employee Relations Manual F-01; Memoranda of Agreements between the Fraternal Order of Anne Arundel Detention Center Officers and Personnel, Inc., AFSCME Local 2563, AFSCME Local 582, Teamsters Local 355, International Union of Police Associations Local 141, AFL-CIO
  
- II. Applicable to: Anne Arundel County Department of Detention Facilities (AACDDF)
  
- III. Purpose: To establish procedures concerning employee disciplinary actions.
  
- IV. Policy: It shall be the policy of the AACDDF to ensure all disciplinary action is conducted in accordance with the Anne Arundel County Code, Employee Relations Manual and the referenced Memoranda of Agreements.
  
- V. Procedure:
  - A. Investigations of Alleged Violations
    - 1. When an employee allegedly violates rules and regulations listed in the Anne Arundel County Code or the AACDDF Directives, the Supervisor who discovers the incident shall initiate an investigation as soon as s/he becomes aware of the incident but no later than the next work day he/she and the employee report to duty; or as directed by an Assistant Correctional Facility Administrator (ACFA)/Correctional Facility Administrator (CFA).

**NOTE: IF THE SUPERVISOR CONDUCTING THE INVESTIGATION IS NOT THE EMPLOYEE'S IMMEDIATE SUPERVISOR, S/HE SHALL ADVISE THE EMPLOYEE'S IMMEDIATE SUPERVISOR OF THIS ACTION.THE CFA, ACFA OR CAPTAIN MAY ASSIGN THE INVESTIGATION TO THE SPECIAL INVESTIGATOR. THE SPECIAL INVESTIGATOR IS THE LEAD BACKGROUND INVESTIGATOR ASSIGNED BY THE CORRECTIONAL SUPPORT SERVICES MANAGER-BUSINESS SERVICES (CSSM).**

- a. In instances where the employee is scheduled for leave or regular days off following the shift and in the opinion of the Supervisor/Special Investigator, the alleged violation is serious and warrants an immediate investigation; the Supervisor/Special Investigator shall notify the employee prior to his/her leaving the Facility and initiate the investigation. When possible, the Supervisor/Special Investigator shall make every reasonable attempt to complete the investigation the same day.
  - b. Where an investigation of an incident cannot be initiated/completed due to the absence of the employee or other employees necessary to conduct the investigation, the Supervisor/Special Investigator shall meet with the employee on the first day both are available.
  - c. All investigations shall be completed as soon as possible and generally within ten (10) working days unless exceptional circumstances prohibit same, i.e., absence of employees, etc.
  - d. When necessary and upon the direction of the ACFA/CFA, the Supervisor/Special Investigator may order an employee to report to the Facility to initiate and/or complete an investigation.
2. When conducting investigations, the Supervisor/Special Investigator shall:
- a. Interview the employee committing the alleged violation, informing him/her of the investigation and requesting a written report. The Supervisor/Special Investigator shall ensure he/she advises the employee an investigation is being conducted.
  - b. As an investigation may lead to disciplinary action, the employee shall be permitted to request representation at the time s/he is notified of the investigation.

**NOTE: ANY REQUEST FOR REPRESENTATION SHALL BE HONORED, BUT SHALL NOT RESULT IN POSTPONEMENT OF THE INVESTIGATION FOR A SPECIFIC REPRESENTATIVE IF OTHER UNION STEWARDS ARE ON DUTY.**

- c. Decide to interview the employee later in the process if the alleged violation is sensitive in nature.
  - d. Interview employee(s)/inmate(s) separately and document in a report to include a summary of the information provided by the individual(s).
  - e. Ensure each report or statement submitted by an employee or inmate is written and signed by the individual. When an inmate is illiterate, the Supervisor/Special Investigator shall complete the report and document same.
3. Upon completion of the interviews, the Supervisor/Special Investigator shall evaluate all reports and evidence, determine if disciplinary action is appropriate and what type is required and review this with the appropriate ACFA/CFA. If disciplinary action is not appropriate, then the Supervisor/Special Investigator shall notify the employee of this decision, in writing.

B. Oral and Written Reprimands

1. Upon conclusion of the investigation and a decision that an oral or written reprimand is appropriate, the Supervisor/Special Investigator shall:
  - a. Discuss the findings of the investigation with the employee and provide the employee with the opportunity to respond.
  - b. Advise the employee that he/she has violated specific rules in the Anne Arundel County Code and the AACDDF Directives if, after listening to the employee, the Supervisor/Special Investigator believes an oral/written reprimand is still appropriate.
  - c. Advise the employee the Oral or Written Reprimand shall be documented and issued within three (3) working days.
  - d. Ensure the employee has the opportunity to discuss the oral/written reprimand and signs as acknowledging receipt of same. If the employee refuses to sign the reprimand, the Supervisor/Special Investigator shall indicate this refusal in the area designated for the employee's signature.
    - 1) A copy of the memorandum documenting the oral reprimand shall be issued to the employee and a copy maintained in the Supervisor's File, employee's field file and copies are sent to the

appropriate Union Representation should there be one (1) or more in attendance.

2) A copy of the written reprimand shall be given to the employee, placed in the employee's field file, and a copy forwarded to the appropriate ACFA for placement in the employee's Department and County personnel files, in accordance with the appropriate Memoranda of Agreement.

e. The Supervisor/Special Investigator shall forward a complete report to the appropriate ACFA that contains the complete investigation to include all reports, statements and action taken by the Supervisor/Special Investigator.

f. Grievances shall be processed in accordance with the appropriate Memoranda of Agreements.

C. Suspension, Demotion or Discharge

1. Upon conclusion of the investigation and the decision by the Supervisor/Special Investigator that the employee's actions are such that a suspension, demotion or discharge is recommended, the Supervisor/Special Investigator shall:

a. Discuss the findings of the investigation with the employee and provide the employee with the opportunity to respond.

b. Advise the employee s/he has violated specific rules in the Anne Arundel County Code and the AACDDF directives if, after listening to the employee, the Supervisor/Special Investigator believes a suspension, demotion or discharge is still appropriate.

c. At the conclusion of the meeting with the employee, the Supervisor/Special Investigator shall forward to the appropriate ACFA a memorandum summarizing the results of the investigation, the rules violated and the recommended disciplinary action to be taken.

**NOTE: A COPY OF ALL INVESTIGATIVE DOCUMENTS SHALL BE ISSUED TO THE EMPLOYEE, TO INCLUDE: THE MEMORANDUM, AUDIO AND VIDEO RECORDINGS.**

2. Upon receipt of the memorandum, the ACFA shall schedule a Step I Disciplinary Hearing within ten (10) workdays or as soon as the employee

and Supervisor/Special Investigator report to duty to discuss the Supervisor's/Special Investigator's recommendation.

3. After reviewing the report, the ACFA may uphold the recommendation, recommend more stringent action or direct the Supervisor/Special Investigator to administer less stringent action. If the recommendation is upheld or more stringent action recommended, then the ACFA shall forward the reports to the Superintendent.
4. If the recommendation is for suspension, demotion or discharge, the ACFA shall schedule a Step II Disciplinary Hearing before the Superintendent within ten (10) workdays or as soon as the employee, Supervisor/Special Investigator and ACFA are available. The employee shall be notified of this hearing in writing. The written notification shall include:
  - a. The dates and times of the alleged incident(s).
  - b. A summary of the investigation and findings of the Supervisor/Special Investigator.
  - c. Specific rule violations.
  - d. A recommendation the employee faces a possible suspension, demotion or discharge.
  - e. The employee's rights to have witnesses and/or representatives available.
5. The employee shall be responsible for arranging to have witnesses and a representative present.
6. A postponement may be granted at the verbal or written request of the employee and if the Superintendent agrees to the extension.
7. Following the hearing, the Superintendent will render a final decision advising the employee of his/her right to appeal. This decision will be in writing describing the incident, decision and rationale.
8. Any dispute relating to a suspension, demotion or discharge may be made the subject of a Grievance at Step III or Step III in accordance with the provisions of the applicable Memorandum of Agreement.

AD NO. 03.05

July 1, 2023

Page 6 of 6

This directive will be reviewed at least annually and revised as necessary.

  
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Christopher Klein  
Superintendent

Rescinds:     AD 3.5 dated August 1, 2002  
               AD 3.5 dated September 20, 2004