

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 20

October 12, 2018

SUBJECT: ASSIGNMENT OF PROBATIONARY OFFICERS DURING TERMINATION PROCESS – RENAMED AND REVISED; AND, RESIGNATION OR TERMINATION OF AN ENTRY-LEVEL PROBATIONARY EMPLOYEE – REVISED

PURPOSE: This Order renames and revises Department Manual Sections 3/728.27, *Assignment of Probationary Officers During Termination Process*, and 3/728.30, *Resignation or Termination of an Entry-Level Probationary Employee*, to clarify existing practices and provide direction regarding the appropriate process for terminating entry-level probationary employees.

PROCEDURE:

- I. **ASSIGNMENT OF PROBATIONARY OFFICERS DURING TERMINATION PROCESS – RENAMED AND REVISED.** Department Manual Section 3/728.27, *Assignment of Probationary Officers During Termination Process*, has been revised and renamed as *Termination Process and Assignment of Entry-Level Probationary Officers*. Attached is the revised Department Manual section with the revisions indicated in italics.
- II. **RESIGNATION OR TERMINATION OF AN ENTRY-LEVEL PROBATIONARY EMPLOYEE – REVISED.** Department Manual Section 3/728.30, *Resignation or Termination of an Entry-Level Probationary Employee*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.

AMENDMENTS: This Order amends Sections 3/728.27 and 3/728.30 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.


MICHEL R. MOORE
Chief of Police

Attachment

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728.27 TERMINATION PROCESS AND ASSIGNMENT OF ENTRY-LEVEL

PROBATIONARY OFFICERS. After determining that an *entry-level* probationary officer should be recommended for termination for disciplinary reasons, unsatisfactory duty performance, or failing to meet pre-employment job standards, the commanding officer shall forward an Intradepartmental Correspondence, Form 15.02.00, via the chain of command, to the Director, Office of Support Services (OSS), for approval. At the discretion of the commanding officer, the Intradepartmental Correspondence may include a request to place the officer on inactive duty. A Notice of Discharge, Suspension, or Probationary Termination, Form General 77, shall be completed by the concerned division and attached to the documentation supporting the termination. Approval by the Director, OSS, must be obtained prior to assigning the probationary officer to inactive duty.

Upon receiving the approval from the Director, OSS, to assign a probationary officer to inactive duty, pending termination, the commanding officer (CO), or his or her designee shall:

- Meet with the *entry-level* probationary officer to advise him or her of the reason for termination and serve the employee with an Intradepartmental Correspondence placing him or her on inactive status;

Note: If the *entry-level* probationary officer is on off-duty status at home due to an illness or injury, the CO shall ensure prompt service of the Intradepartmental Correspondence to the probationary officer.

- Discuss the reason(s) for assignment to inactive duty with the *entry-level* probationary officer;
- Inform the *entry-level* probationary officer regarding the conditions of inactive duty in accordance with Department Manual Section 3/840.20; and,
- Obtain all City-owned property in possession by the *entry-level* probationary officer for safekeeping.

When a CO determines that an entry-level probationary officer should be terminated for disciplinary reasons, an Intradepartmental Correspondence, documenting the Complaint Form (CF) number and the nature of the allegations justifying the termination, shall be immediately forwarded through the chain of command to the Director, OSS. The Intradepartmental Correspondence should include a request to assign the employee to inactive duty with an attached Notice of Discharge, Suspension, or Probationary Termination. Upon approval by the Director, OSS, the Intradepartmental Correspondence and the Notice of Discharge, Suspension, or Probationary Termination shall be forwarded to the Chief of Police via the Chief of Staff.

The employee's commanding officer shall designate a supervisor to serve the entry-level probationary officer with the Intradepartmental Correspondence placing him or her on inactive

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duty. The supervisor shall obtain all City-owned property in possession by the entry-level probationary officer for safekeeping.

Bureau Commanding Officer's Responsibilities. *Upon receipt of a request to terminate an entry-level probationary officer, the bureau CO shall initiate a review of the supporting documentation to determine if termination is warranted. If the bureau CO determines that a termination for performance issues is justified, the supporting documentation shall be forwarded to the Commanding Officer, Training Division, for review and recommendations.*

Commanding Officer, Training Division, Responsibilities. *The Commanding Officer, Training Division, shall ensure that a thorough review of the supporting documentation is conducted within five working days of receipt from the concerned bureau. Training Division staff shall determine if the training methods and documentation meet Department standards and if reasonable efforts have been made to remediate the employee. If additional information is needed, Training Division may interview the entry-level probationary officer. If the Commanding Officer, Training Division, concurs with the recommendation for termination, all supporting documentation, along with an Intradepartmental Correspondence outlining the review and recommendation, shall be forwarded to the Director, OSS.*

The Commanding Officer, Training Division, shall notify the concerned bureau CO in writing of the recommendation for termination. If the entry-level probationary officer had not previously been placed on inactive duty, the Intradepartmental Correspondence shall include a recommendation that the bureau submit a request to OSS to assign the officer to inactive duty.

The Director, Office of Support Services, Responsibilities. *The Director, OSS, shall review requests for the termination of an entry-level probationary officer, including the results of Training Division's review and recommendations. The Director, OSS, shall recommend approval or disapproval of the requests and forward the recommendation for termination, along with the investigation by Training Division, to the Chief of Police for a final disposition. A copy of Training Division's investigation shall also be forwarded to the employee's CO via the concerned bureau CO.*

Note: *When it becomes necessary to terminate an entry-level probationary officer assigned to Training Division for performance issues, the CO shall be responsible for adherence to applicable Department Manual sections. A separate review of the training methods and supporting documentation by Training Division may be conducted, but is not required.*

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728.30 RESIGNATION OR TERMINATION OF AN ENTRY-LEVEL PROBATIONARY EMPLOYEE.

Commanding Officer's Responsibilities. When a commanding officer (CO) becomes aware of the resignation of or intends to recommend termination of a probationary employee, trainee employee, exempt employee or emergency employees, for other than disciplinary reasons (*Department Manual Section 3/728.20*), an Intradepartmental Correspondence, Form 15.02.00, with supporting documentation shall be prepared *and forwarded via the chain of command to the Director, Office of Support Services (OSS)*. The *Intradepartmental Correspondence* shall:

- Indicate the employee's date of employment in the current Civil Service classification and the date that the probationary period will end;
- Articulate the reason(s) for the termination or resignation;
- Indicate that the CO has reviewed the documentation, and through the application of administrative insight, determined that the termination or resignation is justified; and,
- Contain a summary of the interview with the concerned employee, indicating that the employee reviewed the documentation and what attempts were made to resolve any differences of opinion concerning the termination or resignation.

The Intradepartmental Correspondence, along with all supporting documentation, shall be forwarded within 10 working days through the concerned Area and bureau COs to the Director, OSS. If the CO recommends termination, a Notice of Discharge, Suspension, or Probationary Termination, Form General 77, shall be completed by the concerned command and attached to the Intradepartmental Correspondence, along with the supporting documentation.

Note: In those instances involving termination of *an entry-level probationary officer or employee*, the Director, *OSS*, must receive the *Intradepartmental Correspondence* as soon as it is determined that the employee should be terminated and, when possible, no later than six weeks prior to the close of probation for sworn personnel and four weeks prior to the close of probation for civilian personnel.

The Director, Office of Support Services, Responsibilities. The Director, *OSS*, shall review any request for termination or resignation of a probationary employee. The Director, *OSS*, shall recommend *the* approval or disapproval and forward the recommendation for resignation or termination to the Chief of Police, *via the Chief of Staff*, for a final disposition, in accordance with *Department Manual Section 3/728.27*.