

## Chapter 10 - Personnel

## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Mendocino County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

### 1000.3 POLICY

In accordance with applicable federal, state, and local law, the Mendocino County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.4 RECRUITMENT

The Administrative Services Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administrative Services Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Recruitment and Selection*

---

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

### 1000.4.1 EMPLOYEE REFERRAL AND RECRUITMENT INCENTIVE PROGRAM

This program has been developed to reward successful recruiters with discretionary leave. It is open to all employees with the exception of those assigned to Professional Standards.

When an employee recruits a prospective applicant, that employee will receive credit for recruitment when the employee adheres to the process of:

1. The employee calls the Professional Standards Bureau and makes an appointment for the applicant to contact the Background investigator.

and

2. The employee physically accompanies the applicant to the Professional Standards Bureau office.

For an employee to receive credit for the recruitment of an applicant, the employee's name must be provided to the Background Investigator no later than the time the applicant submits their application. The applicant may not have submitted a prior application for the position sought.

If an applicant fails to take the testing procedures for the position sought within 180 days of the employee referral, the incentive eligibility will expire.

The Sheriff will resolve any disputes which may occur in implementing this procedure.

#### Award Criteria:

1. One Day Discretionary Leave shall be awarded to any employee who:
  - a. Recruits a Deputy Sheriff I who is hired and successfully completes probation.
2. Two Days of Discretionary Leave shall be awarded to any employee who:
  - a. Recruits a Deputy Sheriff I who has already completed a POST Basic Academy who is hired and successfully completes probation.
  - b. Recruits a Corrections Deputy or Deputy Sheriff II who is hired and successfully completes probation.

Professional Standards will maintain a tracking system and insure that periodic inspections are conducted and appropriate reports forwarded to the Sheriff. When eligible employees have been identified, a memorandum recommending the discretionary leave will be prepared by Professional Standards and submitted to the Sheriff. If approved by the Sheriff, the memorandum will be forwarded to the employee's Sector or Division commander.

## *Recruitment and Selection*

---

a. The Sector or Division Commander will have the final authority in scheduling of discretionary leave.

### **1000.5 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

#### **1000.5.1 VETERAN'S PREFERENCE**

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

### **1000.6 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Mendocino County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Recruitment and Selection*

---

### 1000.6.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

### 1000.6.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

### 1000.6.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administrative Services Division Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Administrative Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administrative Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### 1000.6.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

### 1000.6.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

### 1000.6.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Sheriff, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Recruitment and Selection*

---

180 days of voluntary separation from the Mendocino County Sheriff's Office or is transferred to a different department within the County as provided in 11 CCR 1953(f).

### **1000.7 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

### **1000.8 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

#### **1000.8.1 STANDARDS FOR DEPUTIES**

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Recruitment and Selection*

---

- (c) At least 18 years of age
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
  1. Reading and writing ability assessment (11 CCR 1951)
  2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

### 1000.8.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

## Evaluation of Employees

### 1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

### 1002.2 POLICY

The Mendocino County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

### 1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise. Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

#### 1002.3.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered under the Reserve Deputies Policy.

### 1002.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed per section 1002.3 above.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary deputies are evaluated daily, weekly and monthly during the Field Training period, however these employees also need a regular county evaluation at the intervals as listed in 1002.3 above.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Evaluation of Employees*

---

Employees transferring from another county office in the same job classification are on probation for only six months.

### **1002.5 FULL-TIME PERMANENT STATUS PERSONNEL**

Permanent employees are subject to three types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

#### 1002.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will indicate the category that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds Standards** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

**Meets Standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Below Standard** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of each rating factor in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement specific to this rating factor. At the end of the evaluation are spaces for the evaluator to document 'General Comments', 'Specific Achievements During This Rating Period', 'Employee's Strongest Points', 'Action Plan For Improvement', and 'Overall Evaluation' using one of the five categories listed above.

## *Evaluation of Employees*

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### **1002.6 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation.

### **1002.7 EVALUATION REVIEW**

The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

### **1002.8 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Professional Standards Bureau for the tenure of the employee's employment plus five years. A copy will be given to the employee and a copy will be forwarded to County Department of Human Resources.

The employee must receive a rating of "Meets Standards" or above to receive his/her merit increase.

### **1002.9 DOCUMENTATION OF EMPLOYEE PERFORMANCE (D.E.P.)**

**PURPOSE:** To establish a uniform process by which Sheriff's Office supervisors document employee performance; positive and negative; to insure timely documentation of performance and performance appraisals. **POLICY:** Management and supervisory members of the Sheriff's Office shall document all noted above or below standard performance, such as but not limited to:

#### A. Positive - Above Standard Performance

1. All received letters of commendation. 2. Pro-active performance of assigned duties. 3. Employee participation in education programs that further personal and career development. 4. Suggestions made by the employee that result in greater efficiency to the Sheriff's Office, or benefits its employees.

#### B. Negative - Below Standard Performance

1. Violation of Sheriff's Office General Orders, Policies, Procedures, Rules, Regulations, Directives, Written Memorandums, etc. 2. Behavior that violates the Peace Officers Code of Ethics. 3. Ongoing deficient job performance. All documentation of employee performance shall be prepared on the D.E.P. form "Annex A" and the D.E.P. Continuation form "Annex B".

### **PROCEDURE: I. DEFINITIONS:**

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Evaluation of Employees*

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A. Permanent Sheriff's Office Personnel File - That file which is maintained by the SHERIFF as a permanent record of the employee's employment with the Mendocino County Sheriff's Office. A single expanding file folder bearing the name of each employee, kept collectively in a file cabinet by the Sheriff's Secretary. B. Positive D.E.P. Form Entry - Describes a one-on-one discussion between supervisor and employee, as a result of documented or undocumented positive, proactive, commendable performance. Positive performance may refer to a specific incident or ongoing strong performance. C. Negative D.E.P. Form Entry - Describes a one-on-one discussion between supervisor and employee as a result of documented or undocumented deficient job performance. Deficient performance may refer to a specific incident or ongoing weak performance. D. Training D.E.P. Form Entry - Any D.E.P. form entry intended for use in documenting progressive training shall be subject to the same procedures as for negative D.E.P. form entries.

### **II. D.E.P. FORM PREPARATION:**

A. The discussion:

1. Should take place as soon after the positive or negative performance occurs or is determined to be positive or negative.
2. Should take place while the employee is on duty (whenever possible).
3. Should take place in an area without distraction.

B. Format for discussion to be documented on D.E.P. form.

1. Employee must be advised that the discussion is for a documentation of positive or deficient job performance.
2. Describe the positive or negative performance: a. Describe the facts of the incident **OR** b. Present the facts surrounding the ongoing performance as well as any previous discussions, documentation, or counseling.
3. Include any employee comments relating to the positive or negative performance.
4. Describe the violations of policy or procedure (if applicable).
  - a. Gain employee understanding of the policy or procedure violated (if applicable).
5. State your expectations for remediation of a performance deficiency (if applicable).
6. Tell the employee what you, or the Sheriff's Office, will do to assist in the remediation of the deficient performance, or build on strong performance.
7. Advise the employee that failure to correct a deficient performance may result in adverse action (if applicable).

### **III. DOCUMENTATION FORMAT**

A. Heading

1. Employee's Name; I.D.# - both are self explanatory.
2. Performance Noted: Mark either the Positive block or the Negative block.
3. Mark either the  Verbal Contact with Signed Subordinate Documentation **OR**  On-Target Report.
  - a.  Written Work Improvement Discussion with Action Plan does not apply.

B. Text

1. Document the date, time, and location of the discussion.
2. Document the facts of the incident or ongoing performance, positive or negative.
3. Document any previous positive or negative discussions, documentation, counseling, etc.
4. Describe and discuss any reasons the employee may have for the positive or negative performance. (Get the employee's side of the story.)
- 5.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Evaluation of Employees*

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Document General Order, Directive, Policy, Procedure, etc. that the employee failed to comply with (if applicable). 6. Document the job performance expectations discussed with the employee. Document an action plan in detail (if applicable). 7. Document any actions that the Sheriff's Office, or supervisor, may take to assist the employee in improving his/her performance. 8. Document the fact that if the deficient job performance (if applicable) continues to occur that "adverse action may be taken".

### C. Signatures

1. After the employee has read the documentation of the discussion, he/she will be asked to sign the document. The document should reflect the facts, statements, and comments of both the Supervisor and employee. 2. Should the employee refuse to sign the document, his/her refusal shall be noted on the document by the Supervisor. The employee will be asked to initial that they refuse to sign. (Government Code 3305) 3. The employee shall be informed that the document will be forwarded to their personnel file, with or without their signature.

### **IV. ROUTING A DOCUMENTATION OF PERFORMANCE (D.E.P.) FORM**

A. The Documentation of Performance form, after signature or refusal, will be routed to the following:

1. The original will be forwarded to the SHERIFF, through the Chain of Command. The SHERIFF, or his designee, shall cause the original document to be placed in the employee's personnel file. A copy of the final document will be given to the employee.

### **V. USE OF SUPERVISOR'S D.E.P. FORM ENTRIES**

A. The purpose of D.E.P. form entries concerning individual employees shall be to facilitate the completion of timely documentation of performance and Performance Appraisals. B. STAFF SERVICES, when forwarding the Performance Appraisal document for completion, shall include copies of all positive and negative D.E.P. form entries generated during the rating period. C. The supervisor responsible for completing the Performance Appraisals shall review all D.E.P. form entries forwarded with the Performance Appraisal document. The supervisor shall incorporate these D.E.P. form entries into the Performance Appraisal Report by summarizing the information they contain. D. After review and inclusion in the Performance Appraisal by the supervisor, the D.E.P. form entry copies are returned to STAFF SERVICES with the Performance Appraisal, for destruction with each corresponding original D.E.P. form entry.

1. Exception: Those D.E.P. form entries noted (in writing) by the employee's supervisor that are to be retained pursuant to Section V, G, 1 through 4 of this General Order.

E. Destruction of original D.E.P. form entries and copies, shall be the responsibility of STAFF SERVICES. Destruction shall be by shredding all documents. F. STAFF SERVICES shall document in each employee's personnel file the fact that:

1. D.E.P. forms were destroyed.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Evaluation of Employees*

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a. Date & time destroyed. b. For what rating period. c. Name & I.D.# of STAFF SERVICES employee that destroyed the document.

G. Nothing in this section shall prohibit the extended retention of supervisors D.E.P. form entries in an individual's personnel file when that employee:

1. is on probation. 2. is on extended probation. 3. has an active Performance Appraisal Action Plan pending. 4. has an active D.E.P. Action Plan pending.

### **VI. D.E.P. RETENTION**

A. The original supervisor's D.E.P. forms that are retained pursuant to Section V, G, 1 thru 4 of this General Order, shall be maintained in the employee's personnel file, and shall be retained for a period not to exceed two years and then purged and destroyed by shredding. Same procedure as Section V, F, 1 through 4 of this order.

1. If, however, a potential claim or other litigation is pending with regard to any incident recorded on a supervisor's D.E.P. form maintained in the personnel file, at time of purging those D.E.P. form entries shall be removed and maintained in a potential claims file or other designated litigation file.

a. Placement in a potential claims file or other designated litigation file shall be by STAFF SERVICES at the direction of the SHERIFF or his/her designee. **ANNEX A DOCUMENTATION OF EMPLOYEE PERFORMANCE (D.E.P) DOCUMENTATION OF EMPLOYEE PERFORMANCE (D.E.P.) EMPLOYEE'S NAME: PERFORMANCE NOTED: Positive: Negative: TYPE of Contact: 1. Verbal Contact with Signed Subordinate Documentation: 2. Written Work Improvement Discussion with Action Plan: 3. On-Target Report: Comments:**

### **ANNEX B D.E.P. Continuation Page**

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## Promotional and Transfer Policy

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Mendocino County Sheriff's Office. The Sheriff maintains the unfettered ability to make assignments as he chooses.

#### 1004.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
  - 1. Emotional stability and maturity
  - 2. Stress tolerance
  - 3. Sound judgment and decision-making
  - 4. Personal integrity and ethical conduct
  - 5. Leadership
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to organizational goals and objectives in a positive manner.

#### 1004.1.2 TRANSFERS LENGTH OF SERVICE

Generally, transfers to other assignments will be for a length of three years from the date of transfer. However, If the member desires to extend his/her length of service he/she can request, in writing, a one year extension. This request will then be attached to a memo from the members supervisor outlining the merits of extending the assignment if the supervisor agrees to the extension. Both memos will be forwarded to the Sheriff for his decision on the extension. The Sheriff's decision is not appealable.

### 1004.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) SWAT Team member
- (b) Detective
- (c) Animal Handler Specialist (K9)
- (d) Background Investigator

## *Promotional and Transfer Policy*

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- (e) Field Training Officer
- (f) Jail Training Officer
- (g) Communications Training Officer
- (h) Court Security
- (i) C.O.M.M.E.T.
- (j) Major Crimes Task Force Special Agent
- (k) Resident Deputy

### 1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Two years experience as a law enforcement officer
- (b) Off probation
- (c) Has shown an expressed interest in the position applied for
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by POST or law

### 1004.3 SELECTION PROCESS

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Sheriff. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.
- (c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Sheriff.
- (d) Appointment by the Sheriff

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

### 1004.3.1 ASSIGNMENT LENGTH

Assignment to one of the listed specialty positions is at the unfettered discretion of the Sheriff and will normally be for a period of three years, but may be extended for an additional year.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Promotional and Transfer Policy*

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This request shall be put in writing by the employee and submitted through the same process as previously listed.

Each request will be considered separately.

### **1004.4 PROMOTIONAL SPECIFICATIONS**

Specifications for promotional opportunities are on file with the Mendocino County Department of Human Resources.

## Grievance Procedure

### 1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

#### 1006.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaint Policy.

### 1006.2 PROCEDURE

Refer to the Memorandum of Understanding between the aggrieved members bargaining unit and the County of Mendocino.

### 1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

### 1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Services for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the County Human Resources office to monitor the grievance process.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Grievance Procedure*

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### **1006.5 GRIEVANCE AUDITS**

The Training Manager shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Manager shall record these findings in a confidential and generic memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Manager should promptly notify the Sheriff.

## Reporting of Employee Convictions

### 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

### 1010.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

### 1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this office may be inherently in conflict with law enforcement duties and the public trust.

### 1010.4 REPORTING PROCEDURE

All members of this office and all retired deputies with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Reporting of Employee Convictions*

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writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

### **1010.5 PROCEDURE FOR RELIEF**

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

#### **1010.5.1 NOTIFICATION REQUIREMENTS**

The Administrative Services Supervisor shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this office or any former peace officer if this office was responsible for the investigation (11 CCR 1003).

The Administrative Services Supervisor shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this office (11 CCR 1003).

## Drug- and Alcohol-Free Workplace

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### 1012.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

### 1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

#### 1012.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

#### 1012.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

### 1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Drug- and Alcohol-Free Workplace*

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

### **1012.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### **1012.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

### **1012.7 REQUESTING SCREENING TESTS**

The supervisor may request an employee to submit to a screening test under the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

#### **1012.7.1 SUPERVISOR RESPONSIBILITY**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

## *Drug- and Alcohol-Free Workplace*

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### 1012.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

### 1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### 1012.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

## Sick Leave

### 1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

### 1014.2 POLICY

It is the policy of the Mendocino County Sheriff's Office to provide eligible employees with a sick leave benefit.

### 1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1014.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246 ).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

## *Sick Leave*

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### **1014.4 EXTENDED ABSENCE**

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

### **1014.5 DISCRETIONARY LEAVE**

#### **PURPOSE:**

To recognize employees for non-use of sick leave.

#### **POLICY:**

When an employee completes a year without any sick leave usage as documented an Annual or End of Probation Evaluation (for 12 month probation only), the employee becomes eligible for credit as shown below:

1. The Employee's Performance Report indicates the amount of sick time taken during the rating period. When the indication is -0- for the year, the Personnel Sergeant will verify this through payroll records.
2. Exempt sick leave that will not count against usage for this purpose is as follows:
  - a. One day of sick leave per year for purpose of physical exam, or equal to eight hours total.
  - b. Five days of sick leave per year for bereavement leave as outlined in Mendocino County Code Section 3.04.180, or equal to forty hours total.

#### **PROCEDURE**

##### **I. AWARD CRITERIA**

A. EIGHT HOURS OF DISCRETIONARY LEAVE shall be awarded to any Sheriff's Office employee who upon Annual Evaluation or end of 12 month probation rating, has successfully completed the prior 12 month period without using sick time.

B. SIXTEEN HOURS DISCRETIONARY LEAVE shall be awarded to any Sheriff's Office employee who upon Annual Evaluation or end of 12 month probation rating, has successfully completed two or more years (a 24 month period) without using sick time.

##### **II. PROCESS**

A. The Personnel Sergeant will maintain a tracking system through the Annual and End of Probation (for 12 month probations) Employee Performance Reports.

B. When eligible employees have been identified, a memorandum recommending the discretionary leave will be prepared by the Personnel Sergeant, and forwarded to the SHERIFF.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Sick Leave*

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C. If approved, the SHERIFF will issue letters to the eligible employees stating they have been awarded discretionary leave. The routing of the original will be forwarded through the appropriate chain to the employee's area or division commanders, with copies to Administration Account Clerk and to the employee's personnel file.

### III. SCHEDULING DISCRETIONARY LEAVE

A. The employee's supervisor will schedule the leave at a time that is mutually acceptable to the employee and the Sheriff's Office.

B. Requests to use discretionary leave time must be submitted on an Activity Justification Report. Use of discretionary leave shall be reported through the regular payroll process.

C. Discretionary leave time not used within twelve months of the date it is granted shall be forfeited.

D. Employees shall not have the option to request or receive cash payment in lieu of discretionary leave.

### **1014.6 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  1. Negatively affected the member's performance or ability to complete assigned duties.
  2. Negatively affected office operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

### **1014.7 REQUIRED NOTICES**

The Human Resources Director shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

# Communicable Diseases

## 1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1016.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Mendocino County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1016.2 POLICY

The Mendocino County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1016.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
  2. Bloodborne pathogen mandates including (8 CCR 5193):

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Communicable Diseases*

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- (a) Sharps injury log.
  - (b) Needleless systems and sharps injury protection.
3. Airborne transmissible disease mandates including (8 CCR 5199):
  - (a) Engineering and work practice controls related to airborne transmissible diseases.
  - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

### **1016.4 EXPOSURE PREVENTION AND MITIGATION**

#### 1016.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## Communicable Diseases

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1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

### 1016.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

## 1016.5 POST EXPOSURE

### 1016.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

### 1016.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Communicable Diseases*

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The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the On Duty Injuries Policy).

### 1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

### 1016.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

### 1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

## *Communicable Diseases*

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Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

### **1016.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

### **1016.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

## Smoking and Tobacco Use

### 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Mendocino County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 1018.2 POLICY

The Mendocino County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all office facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

### 1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Mendocino County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

### 1018.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any office facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

## CHAPTER 9.20 - SMOKING IN COUNTY BUILDINGS

Sec. 9.20.010 - Title.

This Chapter shall be known and cited as the Smoking Chapter of the Mendocino County Code.

Sec. 9.20.020 - Declaration.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Smoking and Tobacco Use*

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The Mendocino County Board of Supervisors finds and declares that tobacco smoke is hazardous to public health and offensive to a substantial number of members of the public.

The U.S. Environmental Protection Agency has determined that tobacco smoke is a major source of indoor air pollution, and that side-stream smoke is currently classified as a Class A carcinogen.

The Surgeon General ("Health Consequences of Involuntary Smoking," 1986) concludes that exposure to tobacco smoke places healthy nonsmokers at increased risk for developing lung cancer.

Employees subjected to prolonged exposure to side-stream smoke in the workplace have been found in scientifically conducted studies to experience loss of job productivity and some have been forced to take periodic sick leave because of reactions to secondhand smoke.

Research reveals that side-stream smoke causes a significant amount of cardiovascular disease in the U.S., and that the number of deaths from this cause may exceed the deaths caused by lung disease associated with side-stream smoke.

Smoking in workplaces is a major cause of fires and damage to equipment, as well as costly repairs to furniture, vehicles and fixtures.

"Simple separation of smokers and nonsmokers with the same air space may reduce, but does not eliminate, exposure of nonsmokers to environmental tobacco smoke." ("The Health Consequences of Involuntary Smoking," 1986 Surgeon General's Report).

Smoking results in serious and significant physical discomfort and health hazard to nonsmokers, and constitutes an impediment to public health in the workplace.

(Ord. No. 1275, adopted 1974; Ord. No. 3792 Sec. 1, adopted 1991.)

### Sec. 9.20.030 - Definitions.

(a) The term "county building" refers to any building owned or leased by the County of Mendocino which accommodates county employees acting within the scope of their employment.

(b) The term "outdoor area" refers to the Mendocino County Low Gap compound (bordered on the east by Bush Street, the north by Low Gap Road, the west by the western boundary of the county Jail and the south by the drive separating County facilities from Pomolita School property and Low Gap Park). Outdoor areas also includes the space within 15 feet of doorways and windows of any building owned or leased by the County not within the above-described compound, unless this boundary is not under the control of the County. Except as specified otherwise in Sec. 9.20.040, parking areas and private vehicles are not "outdoor areas."

(c) The term "county vehicle" refers to any vehicle owned or leased by the County of Mendocino which accommodates county employees acting within the scope of their employment.

(d) The term "tobacco smoke" refers to the smoke produced by the combustion of tobacco by any means, including but not limited to, cigarettes, cigars, and pipes.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Smoking and Tobacco Use*

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(e) The term "tobacco byproduct" refers to any substance expectorated by anyone using chewing tobacco or any smokeless tobacco product.

### Sec. 9.20.040 - Prohibitions and Penalty.

It shall be unlawful and an infraction for any member of the general public, or any other person including any county employee or elected official, to cause the production of tobacco smoke or byproduct of tobacco within any county building or vehicle or any outdoor area of any county building, which has not been designated as a smoking area by the County Administrative Officer.

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## Personnel Complaints

### 1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Mendocino County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1020.2 POLICY

The Mendocino County Sheriff's Office takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

#### 1020.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Bureau, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Bureau, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Personnel Complaints*

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### 1020.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

### **1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

#### 1020.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the department website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

#### 1020.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

If requested, a complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

### **1020.5 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Sheriff or the authorized designee.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Personnel Complaints*

---

### **1020.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows

#### **1020.6.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Sheriff are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Shift Supervisor for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Personnel Complaints*

---

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
  - (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

### 1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Bureau, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Mendocino County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the deputy in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
- (g) The interviewer shall record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (h) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (i) All members shall provide complete and truthful responses to questions posed during interviews.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## Personnel Complaints

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- (j) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any deputy solely because the deputy has been placed on a prosecutor's Brady list or the name of the deputy may otherwise be subject to disclosure pursuant to Brady v. Maryland. However, an investigation may be based on the underlying acts or omissions for which the deputy has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Government Code § 3305.5).

### 1020.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

### 1020.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

## *Personnel Complaints*

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If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

### **1020.6.5 COMPLETION OF INVESTIGATIONS**

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

The assigned investigator or supervisor shall ensure that within 30 days of the final disposition of the complaint, the complainant is provided written notification of the disposition (Penal Code § 832.7(e)).

### **1020.7 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

#### **1020.7.1 DISCLOSURE OF FINANCIAL INFORMATION**

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

### **1020.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

## *Personnel Complaints*

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- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

### **1020.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The Mendocino County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

### **1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

#### **1020.10.1 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Personnel Complaints*

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### 1020.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Sheriff shall also provide the member with:

- (a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
  - 1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
  - 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

### **1020.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

## *Personnel Complaints*

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- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

### **1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

### **1020.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that a deputy has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

### **1020.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary deputy subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the Peace Officer Bill of Rights (Government Code § 3303; Government Code § 3304). At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Sheriff or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Sheriff shall be final.

### **1020.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.

## Seat Belts

### 1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles (Vehicle Code § 27315.5).

#### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

### 1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### 1022.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any office vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### 1022.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### 1022.5 POLICY

It is the policy of the Mendocino County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

## *Seat Belts*

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### **1022.6 TRANSPORTING CHILDREN**

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

### **1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

### **1022.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1024.2 POLICY

It is the policy of the Mendocino County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1024.3 ISSUANCE OF BODY ARMOR

The Professional Standards Bureau shall ensure that body armor is issued to all deputies when the deputy begins service at the Mendocino County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Professional Standards Bureau shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when a deputy is working in uniform .
- (e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

#### 1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation .

## *Body Armor*

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### 1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

### **1024.4 RANGEMASTER RESPONSIBILITIES**

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

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## Personnel Files

### 1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

### 1026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual deputy's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the deputy participated, or which the deputy perceived, and pertaining to the manner in which the deputy performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Department File** - That file which is maintained in the office of the Sheriff as a permanent record of a sworn deputy's employment with this department.

**Division File** - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

**Supervisor Log Entries** - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

**Training File** - Any file which documents the training records of an employee.

**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Personnel Files*

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### **1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES**

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the County Executive, County Counsel or other attorneys or representatives of the County in connection with official business.

### **1026.5 REQUESTS FOR DISCLOSURE**

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Shift Supervisor, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

#### **1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION**

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved deputy or written authorization of the Sheriff or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the deputy who is the subject of the investigation (or the deputy's representative) publicly makes a statement which is published in the media and which the deputy (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

## Personnel Files

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### 1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Sheriff through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

- (a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of Internal Affairs files which have not been sustained against the employee

### 1026.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

#### 1026.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.
  1. It shall be the responsibility of the involved employee to provide the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
  2. The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee's department file.
- (c) Disciplinary action:
  1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).
  2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## Personnel Files

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3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years Government Code § 3305.
1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
  2. Any such employee response shall be attached to and retained with the original adverse comment.
  3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.
- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.
- (g) A photograph of the employee shall be permanently retained.

### 1026.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
  1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.
  2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
  3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the division file.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Personnel Files*

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### 1026.7.3 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Bureau in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the supervisor of the Professional Standards Bureau. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition
  - 1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
  - 2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).
- (b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

### 1026.7.4 TRAINING FILES

An individual training file shall be maintained by the Professional Standards Bureau for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee's training file.

### 1026.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.

## *Personnel Files*

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- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

### **1026.8 PURGING OF FILES**

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Sheriff.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Sheriff, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

## Request for Change of Assignment

### 1028.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

### 1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to submit a memo to the Sheriff, via the chain of command..

#### 1028.2.1 CONTENT OF MEMO

The member should list their qualifications for specific assignments. All relevant experience, education and training should be included in the memo..

All assignments an employee is interested in should be listed on the memo.

The Request for Change of Assignment memo will remain in effect until the end of the calendar year in which it was submitted. Effective January 1<sup>st</sup> of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request memo.

### 1028.3 SUPERVISOR'S COMMENTARY

The deputy's immediate supervisor shall make appropriate comments in an accompanying memo before forwarding it to the Division Commander of the employee involved. In the case of patrol deputies, the Shift Commander must comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Shift Commander does not receive the Change of Assignment Request Form, the Division Commander will initial the form and return it to the employee without consideration.

## Commendations and Awards

### 1030.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Mendocino County Sheriff's Office and individuals from the community.

### 1030.2 POLICY

It is the policy of the Mendocino County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

### 1030.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any office member or by any person from the community. A member of the department is not allowed to recommend themselves.

#### 1030.3.1 COMMENDATION RECOMMENDATION AND REVIEW PROCESS

The Commendation recommendation will be made via department memorandum, submitted via the chain-of-command to the Sheriff.

1. The Sheriff's designee will assemble a three person panel to investigate the incident and determine if the actions of the individual(s) warrant commendation.
2. The three person panel will make recommendation of specific commendation and forward their recommendation to the Sheriff, via the chain-of-command.
3. The Sheriff, or his designee, will review the recommendation of the three person panel and can follow the recommendation, award a higher commendation, award a lower commendation, or choose not to award any commendation at all.

### 1030.4 APPROVED COMMENDATION AND AWARDS BARS

See attachment: [Commendation Bars-.pdf](#)

See attachment: [MCSO AWARDS CRITERIA-.pdf](#)

## Fitness for Duty

### 1032.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this office remain fit for duty and able to perform their job functions (Government Code § 1031).

### 1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.
- (e) Employees will contact the shift supervisor and be evaluated after 16 hours of consecutive work.

### 1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Supervisor or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

## *Fitness for Duty*

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### **1032.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

### **1032.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Supervisor or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### **1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.

## *Fitness for Duty*

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Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

### **1032.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

### **1032.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

## Meal Periods and Breaks

### 1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the County Executive.

#### 1034.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor. Generally no more than 2 marked patrol units and 4 uniformed members at one location, at one time.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty.

Employees normally assigned to the sheriff's facility shall remain in the sheriff's facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field deputies will take their breaks in their assigned areas, subject to call and shall monitor their radios.

## Lactation Break Policy

### 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

### 1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

### 1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt office operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

## *Lactation Break Policy*

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### **1035.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

#### **1035.5.1 STATE REQUIREMENTS**

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

## Payroll Records

### 1036.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of office members who are eligible for the payment of wages. Payroll records are submitted to Administrative Services electronically on a bi-weekly basis for the payment of wages.

### 1036.2 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, bi-weekly basis, generally on Friday each pay period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administrative Services as established by the County payroll procedures.

### 1036.3 POLICY

The Mendocino County Sheriff's Office maintains timely and accurate payroll records.

### 1036.4 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

### 1036.5 RECORDS

The Administrative Services Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## Vacation

### 1037.1 PURPOSE AND SCOPE

To ensure that each member receives vacation leave in compliance with Mendocino County Code 3.04.150 and maintain an adequate staffing level during periods of vacation leave.

### 1037.2 POLICY

Every member is encouraged to take a full vacation period each year. However, at least one full two-week vacation period shall be taken by every member. Accrued vacation time in excess of two weeks may be taken at any time prior to his/her next anniversary date with approval of his/her commanding officer/supervisor.

### 1037.3 PROCEDURE

Prior to December 31st, a vacation schedule for each unit shall be established for the following calendar year.

- (a) Scheduling of primary vacation periods (initially two or more weeks) shall be based on seniority within the unit affected.
  - 1. Seniority of members, for purposes of vacations, is established first by rank and second by total length of time in service with the Sheriff's Office.
  - 2. Scheduling of secondary vacation periods will be established by seniority and shall not interfere with any member's primary vacation.
  - 3. Unscheduled vacation periods not exceeding three days may be granted by the member's supervising officer when such vacation time will not interfere with the operation of the unit.
- (b) Adequate staffing within the unit shall be maintained at all times and the scheduling of two or more members to be on vacation at the same time will not be permitted without approval of the member's supervising officer and the DIVISION COMMANDER.
- (c) All vacation requests shall be submitted in writing on the Activity Justification Report at least 30 days prior to the first day of vacation.

At the time vacation is approved, the employee shall complete an "Officer Unavailability Form" and route it to the District Attorney's Office. Make a copy of the form and post it on the subpoena board in your station as well. If this is not done, your time off may be effected by a court appearance.

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## Overtime Compensation Requests

### 1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

#### 1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment.

Employees represented by DSA may accumulate a maximum of ninety-six (96) hours of compensatory time off, computed at a rate of one and one-half times (1½) hours worked. No more than forty (40) hours of compensatory time off may be cashed out per quarter

### 1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

#### 1038.2.1 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

#### 1038.2.2 DIVISION COMMANDERS RESPONSIBILITY

Division Commanders, after approving payment, will then forward the electronic form to the payroll supervisor or designee for review.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Overtime Compensation Requests*

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### **1038.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

#### **1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR**

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

#### **1038.3.2 VARIATION IN TIME REPORTED**

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the Shift Supervisor or other approving supervisor may require each employee to explain the reason for the variation.

## Outside Employment

### 1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

#### 1040.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

### 1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Memo which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved memo. Unless otherwise indicated in writing on the approved memo, permission will be valid through the end of the calendar year in which the memo is approved. Any employee seeking to renew approval shall submit a new Outside Employment Memo in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

#### 1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Outside Employment*

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### 1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

### 1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

#### 1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Outside Employment*

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employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Sheriff in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
  - 1. The deputy(s) shall wear the departmental uniform/identification.
  - 2. The deputy(s) shall be subject to the rules and regulations of this department.
  - 3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  - 5. Outside security services shall not be subject to the collective bargaining process.
  - 6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

### 1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

### 1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

## **1040.4 DEPARTMENT RESOURCES**

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official

## *Outside Employment*

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records or databases of this department or other agencies through the use of the employee's position with this department.

### 1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

### 1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

### 1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Outside Employment*

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(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Mendocino County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

# Occupational Disease and Work-Related Injury Reporting

## 1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

### 1042.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

## 1042.2 POLICY

The Mendocino County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

## 1042.3 RESPONSIBILITIES

### 1042.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

### 1042.3.2 SUPERVISOR RESPONSIBILITIES

See attachment: [Accident Incident Injury Report Form.pdf](#)

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that the Mendocino County Incident/Accident Form and required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

### 1042.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administrative Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Occupational Disease and Work-Related Injury Reporting*

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### 1042.3.4 SHERIFF RESPONSIBILITIES

The Sheriff, or his designee, shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

### 1042.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the Mendocino County Incident/Accident Form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administrative Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

### 1042.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

#### 1042.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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## Personal Appearance Standards

### 1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

### 1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

#### 1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance. The ear will be exposed while on duty. Non-sworn male members of the agency shall avoid allowing their hair to appear excessively long or unkempt.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

Hair shall be of a normal range of color and shall not be dyed an unnatural color or extreme hairstyles.

#### 1044.2.2 MUSTACHES AND GOATEES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

Goatees shall not be worn during uniform patrol duties. However, a short and neatly trimmed goatee may be worn when assigned to a non-uniformed assignment under the following conditions:

- (a) while wearing the Department authorized polo shirt or
- (b) while wearing a button up shirt with a tie.

#### 1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat. The base shall be a clean-shaven horizontal line, not flared out so as to preclude "mutton-chop" styles.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Personal Appearance Standards*

---

### 1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches, goatees and eyebrows shall not be worn during uniformed assignments, unless authorized by the Sheriff or his or her designee.

### 1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

### 1044.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by deputies on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by male, uniformed sworn members, detectives or special assignment personnel without permission of the Sheriff or his/her designee. Female uniformed sworn members may wear post earrings no wider than one quarter (1/4) of an inch in diameter for pierced ears, no more than 1 per ear.

Only one ring may be worn on each hand of the employee while on-duty.

### 1044.2.7 PERSONAL HYGIENE

Employees shall be clean and neat in their personal appearance. People who emit an offensive odor can also create a negative impression. Therefore, all employees must come to work clean and must avoid the excessive use of perfume or cologne.

## **1044.3 TATTOOS**

At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language). No tattoo visible on the neck or above is permitted.

## **1044.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.
- (e) Any Facial piercing.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Personal Appearance Standards*

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### **1044.5 GROOMING STANDARDS FOR TEMPORARY NON-UNIFORM ASSIGNMENT**

The grooming standards listed above do not apply to members of the Department who are temporarily assigned to the Major Crimes Task Force or other undercover assignment, subject to unit commander approval. However, any grooming changes made during the assignment must be reversible or comply with policy after the assignment has ended.

### **1044.6 EXEMPTIONS**

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

## Uniform Regulations

### 1046.1 PURPOSE AND SCOPE

The uniform policy of the Mendocino County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of office uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications are maintained and periodically updated by the Sheriff or his/her designee. That section should be consulted regarding authorized equipment and uniform specifications.

The Mendocino County Sheriff's Office will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

### 1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit to or from work, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Uniform Regulations*

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- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or the authorized designee.
  - 1. Wrist watch
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
  - 3. Medical alert bracelet

### 1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

## **1046.3 UNIFORM CLASSES**

### 1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie
- (b) Polished shoes

Boots with pointed toes are not permitted.

### 1046.3.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required
- (b) A white or black crew neck t-shirt must be worn with the uniform
- (c) All shirt buttons must remain buttoned except for the last button at the neck

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Uniform Regulations*

---

- (d) Shoes for the Class B uniform may be as described in the Class A uniform
- (e) Approved all black unpolished shoes may be worn
- (f) Boots with pointed toes are not permitted

### 1046.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Sheriff will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

### 1046.3.4 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Canine Team, SWAT, Bicycle Patrol, Marine Patrol, Honor Guard and other specialized assignments.

### 1046.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

### 1046.3.6 ENFORCEMENT

All sworn personnel of the rank of supervisor and above shall enforce the regulations and requirements of this policy.

### 1046.3.7 INSPECTIONS

- (a) Informal Inspections
  - 1. Supervisors or Commanders of Units, Bureaus, Operations or Divisions may hold Informal Uniform and Equipment Inspections within their jurisdictions at any time.
- (b) Formal Inspections
  - 1. May be held at the discretion of the Sheriff, Division Commander or Operations Commander.

## **1046.4 INSIGNIA AND PATCHES**

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Uniform Regulations*

---

- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Sheriff. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Sheriff.
- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

### **1046.4.1 MOURNING BADGE**

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) A deputy of this department - From the time of death until midnight on the 14th day after the death.
- (b) A deputy from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Sheriff.

### **1046.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary. Members in Non-Uniform Assignments, including Civilian Staff, shall be attired in conservative clothing that is appropriate to their assignment(s) as directed by their Unit or Division Commander.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Uniform Regulations*

---

- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear business casual style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items are examples of inappropriate attire and shall not be worn on duty:
  - 1. Bib overalls, shorts, sweat pants, spandex, worn or torn slacks or jeans, running/ work-out clothes, any top exposing bare shoulders, backs or midribs, ultra sheer blouses (worn without a camisole), dresses or blouses that have plunging necklines, clothing printed with pictures of inappropriate graphic displays, narrative descriptions or slogans. Beach flip-flops, beach or shower shoes. Distasteful printed slogans on buttons or pins.
- (e) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Mendocino County Sheriff's Office or the morale of the employees.

### 1046.5.1 COURT APPEARANCES

- (a) Members appearing in Court as a witness shall wear appropriate civilian attire, dress jacket, dress pants and tie, unless called to court while on duty, without previous notification.
- (b) Members that wear civilian attire in court shall observe proper decorum; shall wear conservative clothing and not wear large or excessive jewelry.
  - 1. Male members shall wear suits or sports jackets, slacks, dress shirts and neckties.
  - 2. Female members shall wear dresses, suits, or blouses and skirts.

### 1046.5.2 PLAIN CLOTHES CANINE HANDLER

- (a) Unless it would otherwise increase the risk of injury or escape, plain clothes canine handlers are to wear, either the distinctive patrol uniform jacket as listed above or a clearly marked raid vest identifying the wearer as a law enforcement officer, prior to the deployment of the canine for suspect apprehension.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Uniform Regulations*

---

- (b) In the event exigent circumstances result in the physical apprehension of a suspect while the plain clothes canine handler is not attired as listed above, notification will be made to the canine supervisor as soon as is practical. The canine supervisor will then notify the Field Services Commander of the circumstances surrounding the incident.

### **1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Sheriff, Mendocino County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Mendocino County Sheriff's Office to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

### **1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

#### **1046.7.1 RETIREE BADGES**

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Mendocino County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Deputy CCW Endorsement Policy in this manual.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Uniform Regulations*

---

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Mendocino County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

### **1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Mendocino County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Mendocino County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

### **1046.9 DESIGNATED UNIFORMS**

- (a) Class "A" Dress Uniforms - Required of Deputy Sheriffs
  - 1. Shall be worn only:
    - (a) For promotional interviews.
    - (b) When prescribed by the Sheriff for inspections, special events, ceremonial functions, or public appearances.
- (b) Class "B" Working Uniform - Required of Deputy Sheriffs, Reserve Deputy Sheriffs, Corrections Deputies.
  - (a) Shall be worn only:
    - (a) For regular uniformed duty assignment.
- (c) Class "C" Special Detail Uniform (Optional)
  - 1. Shall be worn only with the approval of the Division Commander:
    - (a) For special assignments and/or duties
    - (b) For Search and Rescue Operations
    - (c) For working the corrections facilities.
- (d) External Vest Uniform
  - 1. Shall be worn by Deputy Sheriff's for patrol duty
  - 2. Shall not be work for scheduled court, with an exception for late notice subpoena's when the deputy is already on duty.
- (e) K-9 Handler Uniform (One piece jumpsuit or two piece shirt and pants)
  - (a) Shall be worn by Deputy Sheriffs, Reserve Deputy Sheriffs and Corrections Deputies when assigned as a K-9 Handler.
- (f) Marine Patrol Uniform (standard class B or as designated below)

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## Uniform Regulations

---

- (a) Polo shirt (white, black, green or tan, with insignia as designated within this policy), green uniform shorts or pants and tennis shoes.
- (g) The Sheriff may authorize other uniforms for specialized units.

### 1046.10 AUTHORIZED UNIFORMS - SPECIFICATIONS

#### Uniform (Required)

- (a) Shirt
  - 1. Fabric:
    - (a) California Special Silver Tan, permanent press, wash and wear, with epaulets and badge tab.
  - 2. Creasing:
    - (a) Pockets and flaps to be permanently creased. To have two pressed in front and three in back. Front crease to extend through flaps and pockets.
  - 3. Collar:
    - (a) Both collar and yoke to be lined with tan polished poplin. Permanent stays are to be inside the collar points. The band shall fasten with one button.
  - 4. Sleeves:
    - (a) long- (Class A) Cuffs to close with two buttons. The top placket extends into the half moon shaped banjo elbow. The banjo elbow is top stitched onto the sleeve.
- (b) Necktie: (Class A)
  - (a) Solid black in color. Choke proof with metal clip and in button down. Fabric is 55% Dacron Polyester/45% Wool.
    - (a) Width is 2-1/2".
    - (b) To be worn when testifying in court.
  - (b) Tie Tacks / Tie Bars: (Class A)
    - (a) Small Mendocino County Star tie tack, or
    - (b) Service Pin tie tack, or
    - (c) Gold colored bar, or
    - (d) Gold colored bar with Star.
    - (e) Green Parade Ascot (Honor Guard)
- (c) Trousers:
  - 1. Fabric:

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## Uniform Regulations

---

- (a) (Class A) Shall be wool blend (55% Dacron Polyester / 45% wool) and shall match Dress Jacket. Color , traditional sheriff's office green.
  - (b) (Class B & C) Blend of polyester / cotton blend, or 100% polyester, or Dacron / Rayon blend, traditional sheriff's office green. No jean type material.
2. Design:
- (a) (Class A) The trousers shall be made on a Uniform pattern with plain front, straight side pockets, and two back pockets, without pocket flaps.
  - (b) (Class B) Straight leg pants with no side pockets, or May have one side cargo pocket per leg, however cannot be expandable (bellow) pockets, BDU type pants with thigh side pockets only , none lower.
  - (c) (Class C) 50% Polyester and 50% Cotton, Twill Jean, Boot-cut, western fit. Brass button closure and heavy brass zipper.
- (d) Dress Jacket: (Optional Wear unless Otherwise Instructed) (Class A)
- (a) Fabric:
    - (a) Shall be wool blend and shall match trousers. Color, traditional sheriff's office green.
  - (b) Design:
    - (a) To meet or exceed the specifications of the California Highway Patrol. Jacket to be fitted so as to be worn loosely and straight down over the modified Sam Browne belt and accoutrements. Sleeve trim to be 1/2" wide, black with gold trim, on the half sleeve, worn 3" above the sleeve cuff.
    - (b) The jacket for female employees may be designed to include two or four darts; two may be bust darts and two may be front darts.
- (e) Underwear:
- 1. White or black crew neck T-shirt
  - 2. Black regular or mock turtle-neck or "dickey"
- (f) Duty Jackets - (Optional Wear)
- 1. Waist Jacket, Heavy weight
    - (a) Fabric:
      - 1. Black: Shall be water repellent, soil release finish.
    - (b) Design:
      - 1. Permanent or zipout quilted lining. Plush pile collar with storm tab (optional). Box-pleated pockets with flaps, open at sides. Inside pocket. Elastic waistband. Brass "S" or "Eureka" buttons. Knit wristlets. Badge tab, epaulets. Vinyl-bound cuffs.
  - 2. Windbreaker, Nylon:

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## Uniform Regulations

---

- (a) Fabric:
  - (a) Black. Nylon or comparable material. Shall be a water repellent finish.
- (b) Design:
  - (a) Two pleated breast patch pockets with scalloped flaps. An elasticized waistband, Brass S or Eureka Buttons, with or without removable inter-liner, and badge tab.
- 3. Overhead Sweater: (Optional)
  - (a) Fabric:
    - 1. Wool or Acrylic
  - (b) Design:
    - 1. V-Neck, ribbed knit long sleeve with epilates and badge tab.
  - (c) Color: traditional sheriff's office green
    - 1. To be worn over uniform shirt.
- 4. Overhead Sweatshirt (optional) (Marine unit)
  - (a) Fabric:
    - 1. Cotton or blend:
  - (b) Design:
    - 1. Crew neck, long sleeve with embroidered emblem and name tag.
  - (c) Color: traditional sheriff's office green
- (g) Headgear: - With Approval of Area or Duty Supervisor
  - 1. Design - Black Baseball style cap.
    - (a) Elastic or fitted back band with embroidered Agency patch (star w/bear) centered on front. (May have name embroidered on the back.)
  - 2. Design - Black fur-lined Trooper Cap:
    - (a) May be worn with Class "C" Uniform during cold weather
  - 3. Design - Black Trooper style hat. (Adjustable chin strap and gold campaign hat cord with sheriff's hat badge.)
    - (a) Shall be worn with Honor Guard duty only.
- (h) External Vest Uniforms- Patrol
  - 1. Point Blank ODC, Model Sonoma Guardian
    - (a) Vest has easy to open front zipper, concealable name tag with black lettering on the right chest (First initial and last name), badge tab for either cloth or metal badge, with uniform style pockets X2 on the front
    - (b) Accessories-Minimum-

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## Uniform Regulations

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1. Radio Holder; 3 magazine pouch, handcuff case for two handcuffs, flashlight holder, pepper spray/Baton holder
- (c) Silver Tan for patrol/ Guardian Green for K9 Handlers
2. Uniform shirt-
  - (a) Silver Tan patrol uniform Flying Corss/5.11 (Short sleeve or long sleeve)
  - (b) 5.11 Men's Rapid PDU long sleeve or short sleeve shirt
    1. Unique fabric
3.
  - (i) Jumpsuit - Patrol/Corrections
    - (a) Ackerman style, or equivalent, black in color. (May have removable sleeves)
    - (b) (Corrections)Not to be worn in court or off-site of jail.
  - (j) Jumpsuit - K-9 Handler
    - (a) Fechheimer, if not available Lawpro, 65/35 poly/cotton, green in color. (May have removable sleeves)
  - (k) Footwear:
    - (a) Class "A" and Class "B" Uniforms:
      - (a) Black round toed boots or Oxford style shoes. Maintained in a presentable and polished condition.
      - (b) Socks, black in color when visible
    - (b) Class C, or special assignment may allow for the wearing of tennis shoes (black only), or water proof boots (black only).
  - (l) Rain Gear:
    1. Class "A" through Class "C" Uniforms: (During Inclement Weather)
      - (a) Traditional sheriff's office green air weave, two pieces, consisting of Jacket and Pants, with 3" black stenciled letters reading "Sheriff" centered on back of coat with Badge tab. (Furnished)
      - (b) (Optional) Hi-Viz green parka with 3" black letters reading "Sheriff" centered on back of coat with badge tab (Furnished).
      - (c) Black rubber rain boots or shoes (Optional)
      - (d) Marine patrol may wear Helle Hansen waterproof bib pants or the Mustang flotation jacket and bibs.
  - (m) Trouser Belt:
    - (a) Black leather basket weave design, 1-3/4" wide.
      - (a) Buckle, if other than the standard silver colored type, shall be conservative and in good taste; and shall be worn at the discretion of the Sheriff.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## Uniform Regulations

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### 1046.10.1 INSIGNIA

- (a) Agency Shoulder Patch: (Furnished)
  - 1. All uniformed positions
    - (a) Wear Sheriff's Patch on both sleeves of all shirts and jackets, situated 1/2" below sleeve head. (Exception: polo and sweatshirt)
    - (b) Animal control to wear addition patch below Agency Shoulder patch, "ANIMAL CONTROL" (furnished)
    - (c) K-9 Handler to wear "SHERIFF" embroidered patch on back. Centered with 2" yellow/gold lettering on black background.
- (b) Agency Badge, Metal: (Furnished)
  - (a) Wear on Left Breast of:
    - (a) Class "A" and "B" Shirts and Jackets (outermost)
- (c) Agency Badge, Embroidered cloth (Star with Bear): (Optional)
  - 1. 3", 7 point, gold design on black background.
    - (a) Wear on Left Breast of:
      - 1. Class "B" Shirt and jackets
      - 2. Class "C" Shirt (includes polo & sweatshirt)
      - 3. K-9 Handler Shirt or K-9 Handler jumpsuit, Patrol jumpsuit
    - (b) Shall be worn with embroidered name tag.
- (d) Name Tag - Metal: (Required)
  - 1. 2-3/8" x 1/2" overall size. Brass w/Black lettering; First initial, Last name - Reeves 500.
  - 2. Wear centered on top edge of right breast pocket of Class "A" and "B" shirts and jackets (outermost)
  - 3. Must be worn with metal badge.
- (e) Name Tag - Embroidered: (Optional)
  - 1. Shirts: " gold block letters on black military cloth tape - First initial, Last name. Wear centered on top edge of right breast pocket - do not extend past pocket - approximately 1" x 5" overall size.
    - (a) Class "B" or "C" shirts and jackets.
    - (b) K-9 Handler shirt and jumpsuit, patrol jumpsuit.
  - 2. Jackets and jumpsuits: black cloth with gold lettering 1/2". Wear centered on top edge of right breast pocket.
- (f) SWAT Pins, Metal: (Optional Wear)
  - (a) Gold Color Metal - to read: SWAT

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## Uniform Regulations

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- (b) Wear centered on top edge of Name Tag on Class "A" & "B" Shirt.
- (g) SWAT or K-9 Insignia Embroidered: (Optional Wear)
  - (a) Overall size 3/4" x 1-1/2". 1/4" Gold letters, 1/16" gold border on Black background.
  - (b) Wear centered on top edge of name-tag on Class "B" Jackets and Class "B" Shirts.
- (h) Field Training Officer (FTO): Two Embroidered Gold Colored Chevrons on Black Trim
  - (a) Wear on all shirts and jackets.
    - (a) Not to be worn on Class "A" dress jacket.
    - (b) Wear 1/2" below shoulder patch
  - (c) OPTIONAL for jumpsuit only- Two Gold Colored Chevrons - Metal (Wear centered on the collar points)
  - (d) Not to be worn by "Back-up FTO"
- (i) Longevity Insignia - REQUIRED:
  - (a) Gold hash mark on Black - 1 for each 5 years of law enforcement service.
  - (b) Wear on Class "A" Dress Jacket, Class "A" and "B" Long sleeve shirt, K-9 shirt and jumpsuit, situated 1 1/2" above Jacket sleeve trim or top edge of sleeve cuff, only on the left sleeve.
- (j) Honor Guard Braid
  - (a) White braid, military style, shoulder cord on right shoulder.
- (k) Rank Insignia:
  - (a) Sheriff: Four Gold Colored Stars
  - (b) Undersheriff: Two Gold Colored Stars
  - (c) Captain: Two Gold Colored Bars
  - (d) Lieutenant: One Gold Colored Bar
    - (a) Wear centered on the collar points of shirts - 1/2" from front edge and on both shoulders of Jacket, 1/2" from sleeve head.
    - (b) Metal Insignia: Wear on Class "A" and Class "B" Shirts and Jackets.
  - (e) Sergeant: Three Embroidered Gold Colored Chevrons on Black Trim
    - (a) Wear 1/2" below shoulder patch
    - (b) Wear on all shirts, jackets and jumpsuits
- (l) Hat-piece, Metal: (Required when listed hats are worn)
  1. Wear centered on front of Trooper style cold weather cap and Honor Guard hat.
  2. Black fur-lined Trooper Cap: May be worn with Class "B" Uniform during cold weather with approval of Area or Duty Supervisor.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Uniform Regulations*

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(m) Hat-piece, Embroidered Patch (Star with Bear)

a. Wear centered on front of Class "B" and "C" Baseball style caps.

### 1046.10.2 SAFETY EQUIPMENT TO BE WORN BY UNIFORMED MEMBERS OF THE SHERIFF'S OFFICE

(a) Duty Weapon and Ammunition - Furnished:

1. As authorized in the General Orders

(b) Utility Belt and Accessories:

1. Utility Belt:

(a) Nylon, black leather, or simulated leather with basket weave design, silver colored buckle, or black center snap, and snaps adjusted to the wearer's waistline without sagging. (Any other material has to be authorized by the SHERIFF.)

2. All leather and simulated leather accessories:

(a) Black leather basket weave design with either silver colored hardware or hidden snaps

3. Nylon accessories:

(a) Hidden snaps

(c) Holster:

(a) To be worn with safety straps in place and secure. Authorized holster:

(a) As issued by agency or approved by the Sheriff.

(d) Handcuffs:

1. With double lock and key

(e) Handcuff Case:

1. With or without flap, secured by Velcro, silver or hidden snap closure.

(f) Ammunition Case:

1. If closed by flap, secured by Velcro, silver or hidden snap closure.

(g) Chemical Agent Holders: (Optional)

1. Chemical Agent Protector supplied by Sheriff's Office.

(h) Baton: (Optional)

1. 24" to 26" straight baton with rubber grommet purchased from a reputable manufacturer/vendor.

2. Side Handle PR-24 Baton.

3. ASP or similar collapsible baton.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Uniform Regulations*

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- (i) Taser and Holster - Furnished
- (j) Black Gloves (Optional) (White gloves - mandatory for Honor Guard.)
- (k) Flashlight: Furnished
- (l) Flashlight Holder: (Optional)
- (m) Time Piece:
  - 1. Maintained in good working order and capable of indicating accurate time.
- (n) Key Strap and Ring:
- (o) Knife: (Optional)
  - 1. Knife to be manually operated, folding style.
- (p) Knife Holder: (Optional)
- (q) Body Armor: (Optional)
  - 1. May be issued or personally purchased.
- (r) Identification Card (Furnished)
- (s) Valid California Driver's License.
- (t) Ink Pen

# Nepotism and Conflicting Relationships

## 1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

### 1050.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Nepotism and Conflicting Relationships*

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
  - (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
  - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
  - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
  - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

### 1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Nepotism and Conflicting Relationships*

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### 1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

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## Department Badges

### 1052.1 PURPOSE AND SCOPE

The Mendocino County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Mendocino County Sheriff's Office are property of the Department and their use shall be restricted as set forth in this policy.

### 1052.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 1052.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Mendocino County Sheriff's Office with the written approval of the Sheriff.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### 1052.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Department Badges*

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### 1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

If the head of an agency issues a badge to an honorably retired peace officer that is not affixed to a plaque or other memento commemorating the retiree's service for the agency, the words "Honorably Retired" shall be clearly visible above, underneath, or on the badge itself (538d PC).

### **1052.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1052.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Mendocino County Sheriff's Office. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

## Fraud Policy

### 1053.1 FRAUD POLICY

It is an unfortunate fact that fraud does sometimes occur in organizations. Workplace fraud can take many shapes and forms, including but not limited to:

- Any dishonest or fraudulent act.
- Misappropriation of funds, securities, supplies or other assets.
- Impropriety in the handling of money or financial transactions.
- Profiteering as a result of insider knowledge of the organization's activities.
- Disclosing confidential or proprietary information to outside parties.
- Accepting or soliciting anything of material value from contractors, vendors or service providers.
- Destruction, removal or inappropriate use of business assets.

In order to establish an anti-fraud culture covering work practices and ethics within the Mendocino County Sheriff's Office, the Sheriff hereby establishes the following policy:

- All employees have a responsibility for fraud prevention and detection.
- Employees will immediately report any suspected fraud to their supervisor. In the event the employee's supervisor is suspected of being involved in the fraud, the employee will report their suspicions to the first supervisor in their chain-of-command that is not suspected to be part of the fraud.
- Supervisors will forward all reports of suspected fraud to the Sheriff, via their chain-of-command.
- If warranted, the Sheriff will order an internal investigation into the suspected fraud.
- If an internal investigation reveals that fraud did occur, personnel and/or legal actions will be taken which are appropriate to the facts and circumstances of each situation.

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## Temporary Modified-Duty Assignments

### 1054.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1054.2 POLICY

Subject to operational considerations, the Mendocino County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

### 1054.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Mendocino County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 1054.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Temporary Modified-Duty Assignments*

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Supervisor or Division Commander, with notice to the Sheriff.

### 1054.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

### 1054.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that

# Mendocino County Sheriff's Office

Mendocino Co SO Policy Manual

## *Temporary Modified-Duty Assignments*

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extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff.

- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

### 1054.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

### 1054.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

#### 1054.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

#### 1054.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

## *Temporary Modified-Duty Assignments*

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- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

### **1054.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

### **1054.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

#### **1054.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

### **1054.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

### **1054.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.