

**FAIRFAX COUNTY SHERIFF'S OFFICE  
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 024  
SUBJECT: ADMINISTRATION OF STAFF  
DISCIPLINE**

**I. PURPOSE**

To provide the guidelines for the administration of discipline to staff members as necessary.

**II. POLICY**

It is the policy of the Fairfax County Sheriff's Office that all employees shall adhere to the General Rules of Conduct as set forth in [SOP 016 – Standards of Conduct](#), and its attachments. Sustained violations of any of these rules will be addressed through warning and/or formal disciplinary action utilizing the procedures found in [Chapter 16 – Conduct and Discipline](#), of the Fairfax County Personnel Regulations. Employees are responsible for complying with all other applicable agency regulations. Discipline will be uniformly administered throughout the agency.

**III. DEFINITIONS**

**Business day** - Any calendar day, exclusive of Saturday, Sunday, and holidays which are observed by the Sheriff's Office.

**Workday** - Any calendar day that an employee is scheduled to work.

**IV. DISCIPLINARY ACTIONS**

A. Types of warnings and formal disciplinary actions:

1. Oral Reprimand / Warning
2. Written Reprimand
3. Suspension without pay
4. Disciplinary Demotion
5. Dismissal

B. Training and/or counseling may be used as a function of discipline ([SOP 028 – Employee Assistance Program](#) (EAP) outlines the procedures for utilizing EAP as a function of discipline).

C. Disciplinary action may temporarily preclude an employee's eligibility for promotion.

**V. ADMINISTRATIVE PROCEDURES**

A. Oral Reprimand / Warning

1. When any supervisor deems that an informal oral reprimand or warning is warranted, he/she shall:
  - a. Advise the employee, in private, of the specific infraction of the rule or breach of conduct and the date it occurred;
  - b. Allow the employee an opportunity to explain and weigh the explanation;
  - c. If warranted, administer the reprimand or warning informally;
  - d. Maintain an informal record of the discussion with the employee's knowledge of such a record.

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2. The employee shall be shown and asked to sign the written record of the reprimand/coaching.
3. The employee will be provided a copy of the oral reprimand/warning.
4. The employee shall be advised that he/she has the right to submit a statement noting his or her position which will be attached to the oral reprimand form.
5. The written record of a reprimand/coaching session is primarily to serve as evidence that such a session occurred should it be relevant to future disciplinary action.
6. Oral reprimand/warning forms ([SOP 024 Attachment 3 - Oral Reprimand Form](#)) shall be maintained informally in the employee's squad/section file. They shall not be sent to official personnel files. Employees have a right to review the record at any time. Records of oral reprimands/warnings shall be retained for one year except if subsequent disciplinary action is taken. In that case, the record shall be retained for one year from the date of the most recent discipline.
7. For tracking purposes, Internal Affairs shall be notified by the appropriate supervisor that an oral reprimand/warning has been administered. The supervisor shall provide the date the coaching was conducted as well as the reason for it. Internal Affairs should not be provided with the name of the employee coached, nor should they be provided with the documentation.

**B. Written Reprimand**

1. A written reprimand constitutes formal discipline. Copies of a written reprimand shall be maintained by the Fairfax County Sheriff's Office Human Resources Branch and Fairfax County Human Resources (DHR). Written reprimands shall not be kept in any other files. Written reprimands may be administered by any supervisor in the rank of 1<sup>st</sup> Lieutenant and above or the civilian equivalent job classification. Written reprimands shall include:
  - a. A statement of charges in sufficient detail to enable the employee to understand fully the violation, infraction, conduct or offense for which he/she is being disciplined.
  - b. A statement that it is an official letter of reprimand which will be placed in the employee's official personnel folders.
  - c. A statement of previous offenses and discipline in cases where the letter is part of progressive discipline; and
  - d. A statement that future, similar occurrences could result in a proposal that more severe disciplinary action be initiated, up to and including dismissal.
2. The employee shall acknowledge the receipt of the written reprimand by signing and dating a copy of the letter. Should the employee decline to acknowledge receipt of the letter, the supervisor administering the discipline shall write "refused," on the signature line along with his/her initials and date. The employee will be provided a copy of the written reprimand.

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3. The employee shall be advised that he/she has the right to submit a statement noting his or her position which will be attached to the written reprimand.
  4. The supervisor administering a written reprimand shall send the original document to the Chief, Human Resources Branch for appropriate distribution.
  5. References to written reprimands shall be made by including a blank, red paper (obtained through Supply) in the squad/section file. This reference is for supervisory continuity of awareness, knowledge, and development related to the employee's past discipline. Supervisors are encouraged to obtain additional information related to the discipline by reviewing the employee's personnel file. Red paper references should be removed from employee squad/section files if/when the written reprimand is removed from the personnel file.
  6. For tracking purposes, Internal Affairs shall be notified by the appropriate supervisor that a written reprimand has been administered. The supervisor shall provide the date the discipline was administered as well as the reason for it (e.g., specific policy violations). Internal Affairs should not be provided with the name of the employee disciplined, nor should they be provided with the documentation.
  7. An active employee may request that a written reprimand be removed from his/her official personnel file (and agency personnel file) after a period of three years unless the reprimand is part of subsequent disciplinary action. Such a request for removal of a written reprimand shall be made in writing to the Fairfax County Director of Human Resources. Absent such a request, a written reprimand shall remain a part of the employee's official personnel file indefinitely. Nothing in this procedure precludes an appointing authority from removing a written reprimand from an active employee's official personnel file (and agency personnel file) sooner if he/she deems it appropriate to do so. Such requests shall be made in writing to the Fairfax County Director of Human Resources.
- C. Suspensions, Demotions, and Terminations
1. If the recommended discipline consists of a suspension, demotion or termination, the employee shall be given an advance notice letter specifying the recommended sanction. The advance notice letter shall be initiated by a supervisor in the rank of Division Commander or above.
  2. The advance notice letter must include:
    - a. Statement of charges in sufficient detail to enable the employee to fully understand the violation, infraction, conduct or offense for which he or she is being disciplined.
    - b. Type of disciplinary action recommended (suspension, demotion, termination).
    - c. A list of previous offenses, if any, which have been considered in arriving at the recommended discipline.
    - d. The effective date of the disciplinary action (no sooner than ten (10) business days from the date of the advance notice letter) and the employee's right to reply to the advance notice letter (five (5) business days from receipt of the letter).

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- e. Employee's right to grieve should the final decision result in suspension, demotion, or termination.
  - f. A statement that the action proposed, if implemented, will become a permanent part of his/her personnel file.
- 3. The Sheriff shall review the advance notice letter and the employee's response to the advance notice letter (if received) and determine if the proposed sanctions are justified. The Sheriff or her designee shall then meet with the employee prior to the date of the proposed disciplinary sanction and advise the employee, through a disciplinary action letter of the final decision. If sanctions are imposed, the employee shall be advised of his/her right to appeal.
  - 4. Documentation reflecting suspensions, demotions and terminations shall be forwarded immediately to the Chief, Human Resources Branch. Official documentation shall not be included in the employee squad/section file.
  - 5. The employee shall be provided with a copy of the advance notice letter and the final discipline.
  - 6. References to suspensions and demotions shall be made by including a blank, red paper (obtained through Supply) in the squad/section file. This reference is for supervisory continuity of awareness, knowledge and development related to the employee's past discipline. Supervisors are encouraged to obtain additional information related to the discipline by reviewing the employee's personnel file.
  - 7. For tracking purposes, Internal Affairs shall be notified by the appropriate supervisor that a suspension, demotion or termination has been administered. The supervisor shall provide the date the discipline was administered as well as the reason for it (e.g., specific policy violations). Internal Affairs should not be provided with the name of the employee disciplined, nor should they be provided with the documentation.

**VII. TYPES OF APPEALS**

**A. Hearing Panels**

- 1. As an alternative to initiating grievance procedures, any employee against whom dismissal, suspension or disciplinary demotion has been proposed may request that this discipline be reviewed by a Hearing Panel. As a result of their review, the Hearing Panel may affirm the proposed discipline or recommend a lesser sanction.
- 2. The Sheriff shall meet with the employee and review the advance notice letter. The Sheriff shall advise the employee, through a disciplinary action letter, that she agrees or disagrees with the proposed discipline. The employee then has ten (10) workdays to request a Hearing Panel.
- 3. The review by a Hearing Panel of the proposed discipline shall be in lieu of, and a waiver of the opportunity to grieve the discipline finally imposed under the County's grievance procedure, [Chapter 17 – Grievance Procedure](#), of the Fairfax County Personnel Regulations. This procedure may only be used at the request of the employee who has been recommended for disciplinary action. If an

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employee elects to use this procedure, both the Sheriff and the employee agree that the recommendation of the Hearing Panel shall be final and binding.

4. If an employee requests a hearing under this alternative procedure, the effective date of the proposed disciplinary action shall be no sooner than the date that the Hearing Panel makes its report to the Sheriff and the employee.
5. To request a hearing under this alternative procedure, the employee shall, within ten (10) workdays of the disciplinary action letter from the Sheriff, file a request for a hearing under this alternative procedure utilizing [SOP 024 Attachment 2 – Election of Alternative Hearing Procedure](#). The request for hearing and waiver of grievance rights may be in addition to or in lieu of the employee's response to the advance notice letter.
6. An accused employee shall be permitted to retain counsel at his/her own expense and to be represented by counsel during the hearing. In the event the accused is represented by counsel, the Sheriff's Office shall be represented by counsel.
7. For accused employees who are sworn personnel, Hearing Panels shall consist of three members, all of whom will be sworn employees of the Sheriff's Office. For accused employees who are civilian personnel, Hearing Panels shall consist of three members comprised of any combination of sworn or civilian employees of the Sheriff's Office. The following employees shall not be appointed to a Hearing Panel:
  - a. Anyone related to the subject of the hearing.
  - b. Anyone who was investigated or disciplined for the same or a related incident as the subject of the hearing.
  - c. Anyone who in the past year has received any formal discipline.
  - d. Any supervisor involved in the investigation of the subject of the hearing.
8. Hearing Panel members shall be selected by the following procedure:
  - a. One member shall be selected by the employee facing the disciplinary action.
  - b. One member shall be selected by the Sheriff. This member shall serve as Chair of the Hearing Panel.
  - c. One member shall be selected by the other two members. In the event the first two members cannot agree on a third member, the Chief Judge of the Circuit Court, by agreement between the Chief Judge and the Sheriff shall be asked to pick the third member from a list of no less than six nor more than ten names agreed to by the original two members.
9. The Sheriff's Office Internal Affairs Investigator shall arrange for the date, time and place for the Hearing Panel to convene and make all administrative arrangements supporting the hearing. The Internal Affairs Investigator shall also arrange for the recording of the hearing.

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10. Hearing Panels may direct employee witnesses to appear and give testimony or to produce documents or other evidence. In the event an employee witness refuses to or fails to appear, he or she shall be subject to disciplinary action for violating [SOP 018 - Reporting as Directed](#).
11. Hearing Panels shall be conducted in accordance with the information contained in [SOP 024 Attachment 1 – Procedural Guidelines for Hearing Panels](#).

**B. Grievance Procedures**

1. Non-probationary employees who elect to do so may appeal formal discipline by appealing to the Civil Service Commission pursuant to [Chapter 17 – Grievance Procedure](#), of the Fairfax County Personnel Regulations.
2. Employees who elect to use County Grievance procedures shall not later request an appeal by a Hearing Panel. Hearing Panels are internal, administrative panels authorized by the Sheriff as an alternative to Grievance Procedures. Employees who use the County Grievance Procedures have no right to be heard by such a panel.



**STACEY A. KINCAID  
SHERIFF**

**10/29/01  
DATE APPROVED**

**08/19/19  
EFFECTIVE DATE**

**Revised: October 2004, August 2008, March 2010, February 2012, October 2012, February 2015, May 2016, May 2018, November 2018, August 2019**