

Documentation for Supervisors



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Log Entry

- The log entry is a one sentence entry that must be followed exactly:

"On (today's date) I spoke with (Employee's name) regarding Sheriff's Policy & Procedure (Applicable section), (Applicable title)."

(P&P 3.50)

Log Entry

- Q: Does the single sentence log rule apply to professional staff as well as sworn staff?
- A: Yes. All negative comments entered into the log entry for both sworn and professional staff are subject to the one sentence format.

Log Entry

- Q: What do I put as the title in the log entry?
- A: Supervisors should use the title of the P&P section as the title of the log entry.

Log Entry

- Q: Why should I document something in a log entry?
- A: A log entry is used as a reminder to assist a supervisor in the preparation of an employee's annual performance report.

Log Entry

- Q: If I document something in a log entry, am I precluded from discussing it in depth in the annual performance evaluation?
- A: No. So long as any investigation into an incident is complete, a supervisor is not prohibited from discussing an incident in detail in an annual performance report. The limited verbiage restriction is only for the monthly log.

Log Entry

- Q: Do I need to give an employee a copy of the log entry?
- A: Yes. An employee should be given a copy of the log entry to sign.
 - "No public safety officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if after reading such instrument the public safety officer refuses to sign it." G.C. § 3305

Log Entry

- Q: What if an employee refuses to sign the log entry?
- A: If an employee refuses to sign the log entry, that fact shall be noted on the document, and signed or initialed by the supervisor.

Log Entry

- Q: What do I do with the log entry after the employee signs it?
- A: The signed log entry should be placed in the employee's station file.
(P&P 3.20)

Log Entry

- Q: When do I remove the signed copy from the employee's station file?
- A: Station files shall be purged annually after the period for appeal of an employee's performance report has expired.

(P&P 3.20)

Log Entry

- Q: Can I use the log entry to record positive comments or events?
- A: Yes. Positive comments are not restricted to the one sentence format.

Written Order

- Q: What is a written order?
- A: A written order is an order or directive to an employee, reduced to writing.

Written Order

- Q: Does a written order have any different effect than a verbal order?
- A: No. A written order is the same as a verbal order, just reduced to writing.

Written Order

- Q: Why would I want to issue an order in writing?
- A: Supervisors may want to issue an order in writing to ensure that an employee has received the order, and that there is no confusion as to what the employee has been ordered to do.

Written Order

- Q: Must I issue all orders in writing?
- A: No. A verbal order is a valid order. Issuing a written order simply provides written documentation to the employee as to what is expected of him or her.

Written Order

- Q: Can an employee be disciplined for violating a written order?
- A: Yes. Insubordination is the willful refusal to obey a reasonable and lawful order given and understood. A reasonable and lawful order given to a subordinate shall be followed regardless of the method of conveyance. The willful failure to obey orders constitutes grounds for discipline (including termination).
(P&P 2.15)

Written Order

- Q: Can I critique or criticize an employee in a written order?
- A: No. Criticism of a fault of an employee may turn a written order into a punitive action.

Written Order

- Q: What can I say in a written order?
- A: Supervisors should limit written orders to information which clearly sets forth the order that the supervisor is expecting the employee to follow. Avoid all excess verbiage and background information.

(See attached example.)

Written Order

- Q: Is a list of expectations the same as an order?
- A: No. While an expectation expresses a desire of a supervisor, an order is a clear, unequivocal directive to an employee to do or refrain from doing a particular act.

Written Order

- Q: Must I use the word “order” in my written order?
- A: Yes. The purpose of a written order is to clearly identify the required responsibilities of the employee. By using the word “order” the employee is put on notice that the requested action is not merely a request or desire, but rather a command that the employee is required to follow.

Written Order

- Q: Does an employee have a right to a representative when being given a written order?
- A: No. For sworn staff the best advice is that if an employee requests a representative for a meeting where you are going to be giving them an order in writing as a result of prior issues, a representative may help you communicate your order to the employee. However, professional staff who attend a meeting that they believe may result in disciplinary action are entitled to a representative.

Counseling

- Q: What is counseling?
- A: Counseling is advice or guidance communicated to an employee *orally*.

Counseling

- Q: Is there more than one type of counseling?
- A: Yes. The Sheriff's Department distinguishes between:
 - (1) Counseling for merit or other reasons; and
 - (2) Counseling as a result of alleged misconduct.

Counseling

- Q. Does the Sheriff's Department counsel in writing?
- A: No.

Counseling

- *Counseling for merit or other reasons:*
- Counseling for merit or other reasons is defined as informal verbal advice or guidance imposed without a formal investigation.

Counseling

- *Counseling as a result of alleged misconduct:*
- Counseling as a result of alleged misconduct is defined as discipline imposed *after* an investigation by the immediate supervisor or IA. (P&P 3.3)
- This form of discipline is recommended by a second level supervisor. (P&P 3.3)
- If counseling is recommended, it may be initiated after approval of the third level supervisor. (P&P 3.3)

Counseling

- Q: Does an employee have a right to a representative at a counseling meeting?
- A: Maybe. The best advice is that if an employee requests a representative as a result of a meeting where you are going to be counseling the employee, allow them to bring a representative if they want one.

Documentation of Verbal Counseling

- Q: How do I prove that I have verbally counseled an employee?
- A: Supervisors may make a written record of the facts leading to counseling (DOCUMENTATION OF VERBAL COUNSELING) but it is not the Sheriff's Department's intention that any/all counseling be recorded.

Documentation of Verbal Counseling

- Q: Are professional staff limited to the same format for documenting a counseling session as sworn staff?
- A: No. Professional staff may continue to document counseling sessions as they have done in the past or they may choose to follow the format provided to sworn staff for DOCUMENTATION OF VERBAL COUNSELING.

Documentation of Verbal Counseling

- Q: What should I put in the DOCUMENTATION OF VERBAL COUNSELING?
- A: A DOCUMENTATION OF VERBAL COUNSELING should be a written recording of what was said at the meeting where the *verbal* counseling occurred.

Documentation of Verbal Counseling

- Q: Can I prepare a DOCUMENTATION OF VERBAL COUNSELING prior to meeting with an employee?
- A: No. Supervisors are unable to prepare a DOCUMENTATION OF VERBAL COUNSELING prior to meeting with an employee, because the only thing mentioned in the DOCUMENTATION OF VERBAL COUNSELING is what was *said* at the meeting.

Documentation of Verbal Counseling

- Q: Why should I write a DOCUMENTATION OF VERBAL COUNSELING?
- A: A DOCUMENTATION OF VERBAL COUNSELING provides written documentation that a meeting occurred where an employee was counseled.

Documentation of Verbal Counseling

- Q: What is a DOCUMENTATION OF VERBAL COUNSELING used for?
- A: A DOCUMENTATION OF VERBAL COUNSELING is used to aide a supervisor in accurately preparing an employee's performance report.

Documentation of Verbal Counseling

- Q: Who do I address the DOCUMENTATION OF VERBAL COUNSELING to?
- A: The DOCUMENTATION OF VERBAL COUNSELING should be addressed to the station file. A DOCUMENTATION OF VERBAL COUNSELING should NOT be addressed to the employee because it is simply a document to be utilized by the supervisor in preparing the employee's performance report.

Documentation of Verbal Counseling

- Q: Should I address the employee directly in the DOCUMENTATION OF VERBAL COUNSELING?
- A: No. Words like “you” or “your” should not be used because you are not writing the DOCUMENTATION OF VERBAL COUNSELING to the employee.

Documentation of Verbal Counseling

- Q: If I cannot use words like “you” how do I report what happened at the meeting?
- A: Supervisors should prepare the DOCUMENTATION OF VERBAL COUNSELING as if they were reporting what occurred to their supervisor. Phrases such as “Deputy Smith stated...,” “he said...”, and “I advised Deputy Smith that...” should be used to describe what was said during the meeting.

Documentation of Verbal Counseling

- Q: Can I indicate in the DOCUMENTATION OF VERBAL COUNSELING that if the conduct continues the employee may be subject to future discipline?
- A: No. The courts have said that the mention of future discipline can convert the documentation of a meeting with an employee into a punitive action entitling an employee to an opportunity for an administrative appeal.

Documentation of Verbal Counseling

- Q: Can I put information in the DOCUMENTATION OF VERBAL COUNSELING that was not discussed at the meeting with the employee?
- A: No. A DOCUMENTATION OF VERBAL COUNSELING should contain just the facts as to what was discussed at the meeting. Supervisors should equate a DOCUMENTATION OF VERBAL COUNSELING to the filling out of a deputy's report; simply describe the facts of what occurred.

Documentation of Verbal Counseling

- Q: Can I use a DOCUMENTATION OF VERBAL COUNSELING to inform an employee of his or her shortcomings?
- A: No. A DOCUMENTATION OF VERBAL COUNSELING should NOT be a criticism of employee's faults. Rather, the DOCUMENTATION OF VERBAL COUNSELING should be an impartial "transcript" identifying what was said by the parties at the verbal counseling session.

Documentation of Verbal Counseling

- Q: Where do I store the DOCUMENTATION OF VERBAL COUNSELING?
- A: If a record is made, a copy of the report (DOCUMENTATION OF VERBAL COUNSELING) shall be placed in the individual's division performance/training (STATION) file after the counseled employee has read and initialed all the items. (P&P 3.3)

Documentation of Verbal Counseling

- Q: Why do we put a DOCUMENTATION OF VERBAL COUNSELING into station files?
- A: Station/division employee performance/training files should contain verbal counseling sessions slips (DOCUMENTATION OF VERBAL COUNSELING), non-departmental originated commendations, letters of appreciation, etc., which would be necessary to adequately prepare an employee's performance report. (P&P 3.20)

Documentation of Verbal Counseling

- Q: How long should I keep a DOCUMENTATION OF VERBAL COUNSELING?
- A: Counseling slips (DOCUMENTATION OF VERBAL COUNSELING) shall be purged annually after the period for appeal of an employee's performance report has expired. (P&P 3.20)

Documentation of Verbal Counseling

- Q: Do I have to notify the employee that I am placing something into their station file?
- A: Yes. Supervisors shall have the counseled employee read and sign all documents prior to placement in the file. (P&P 3.20)

Documentation of Verbal Counseling

- Q: What if an employee refuses to sign the DOCUMENTATION OF VERBAL COUNSELING?
- A: If an employee refuses to sign the DOCUMENTATION OF VERBAL COUNSELING, that fact shall be noted on the document, and signed or initialed by the supervisor.

Documentation of Verbal Counseling

- Q: Does an employee have a right to respond to a DOCUMENTATION OF VERBAL COUNSELING?
- A: Yes. An employee may file a written response to the DOCUMENTATION OF VERBAL COUNSELING. The written response shall be attached to and accompany the DOCUMENTATION OF VERBAL COUNSELING.
 - "A public safety officer shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment." G.C. § 3306

Written Reprimand

- Q: What is a written reprimand?
- A: A written reprimand is formal discipline imposed *after* an investigation by the immediate supervisor or IA. (P&P 3.3)

Written Reprimand

- Q: Who can recommend a written reprimand?
- A: This form of discipline is recommended by a second level supervisor. (P&P 3.3)

Written Reprimand

- Q: Who prepares a written reprimand?
- A: Internal Affairs. (P&P 3.3)

Written Reprimand

- Q: How does an employee physically get a written reprimand?
- A: They are served with a copy by Internal Affairs. (P&P 3.3)

Written Reprimand

- Q: May an employee appeal a written reprimand to the Civil Service Commission?
- A: No. (P&P 3.3)

Written Reprimand

- Q: Does an employee have any right to appeal a written reprimand?
- A: Yes. Within thirty (30) days of receipt of the reprimand, the employee may submit to the fourth level supervisor a written response to the reprimand. After review by the fourth level supervisor, the written response will be attached to the reprimand and filed in the employee's discipline file. The fourth level supervisor, after review of the written response may elect an alternate course of action in lieu of the written reprimand. (P&P 3.3)

Written Reprimand

- Q: What if the employee is still unhappy with the results after the fourth level supervisor?
- A: Further review of a written reprimand may be pursued through the grievance procedure applicable to the employee's classification. (P&P 3.3)

Written Reprimand

- Q: Where does an employee find his or her grievance procedures?
- A: Grievance procedures are set forth in the M.O.A. for each classification, and subject to change during annual negotiations. (P&P 3.3)

Written Reprimand

- Q: How long will a written reprimand affect an employee?
- A: For sworn employees, written reprimands more than two (2) years old, will not be considered for purposes of promotion, transfer, special assignments and disciplinary actions, except as to those disciplinary actions which may show patterns of similar misconduct as defined in the Department's Rules and Regulations and Department Instructions.
(MOA)

Written Reprimand

- Q: Where are written reprimands kept?
- A: Written reprimands are kept in an employee's Internal Affairs disciplinary file.

Questions?

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