

Letters of Reprimand - Written Responses and/or Administrative Appeals

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| Effective Date: | 3-11-25 |
| Revised Date: | 3-11-25 |
| Issuing Authority: Chief Probation Officer | |

211.1 PURPOSE:

To establish guidelines for the submission of a written response and/or the process to request an administrative appeal after receiving a letter of reprimand.

211.2 DEFINITIONS AND GUIDELINES:

Letter of Reprimand (LOR): A Letter of Reprimand is a written admonishment to the employee to adhere to County and/or Department policies and procedures. It is considered punitive action and provides the employee the right to submit a written response and/or an administrative appeal.

Written Response: An employee has the right to respond in writing to any adverse comment entered into their personnel file. Said written response is separate and apart from any appeal rights. The written response shall be submitted by the employee within thirty (30) calendar days of receiving the LOR and shall be attached to the adverse comment.

Administrative Appeal: An employee has the right to an administrative appeal after receiving a LOR. The appeal shall be initiated by filing a written request within thirty (30) calendar days of receiving the LOR. During the appeal, the employee and/or their representative may present factual information to the Department which they feel is relevant to the LOR being appealed. The LOR appeal process does not include confronting and/or cross-examining witnesses. Matters of past action(s) not timely appealed, prior appeals, pending discipline(s), alleged discrimination, grievances, and/or other complaints, etc. not directly related to the facts presented in the immediate matter are not within the jurisdiction of the Administrative Appeal and shall be pursued by the employee through other appropriate avenues.

Administrative Appeal Panel: A panel comprised of three employees equivalent to the level of Division Director II or above, in any combination, as required by the Department, or at the discretion of the Chief Probation Officer or their designee. The Appeal Panel shall not consist of any member in the employee's direct chain of command.

Administrative Appeal Panel Findings: The Administrative Appeal Panel will provide one of the following findings:

1. **LOR Sustained:** The factual information and/or documentation presented during the appeal did not support the overturning and/or modification of the LOR. Notice

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sustaining the LOR will be placed in the appellant's Probation Department Personnel file.

2. LOR Not Sustained: The factual information and/or documentation presented during the appeal was sufficient to overturn the LOR. The original LOR will be removed from the employees' Probation Department Personnel file.
3. LOR Modified: The factual information and/or documentation presented during the appeal was sufficient to warrant the modification of the LOR. The modified LOR will replace the original in the employee's Probation Department Personnel file.

211.3 RESPONSIBILITIES:

I. All Staff:

- A. Written Response: Employees may submit a written response to be attached to the LOR within thirty (30) calendar days of the date it was served. If an Administrative Appeal was requested, a response may be submitted thirty (30) calendar days from the notification of the appeal decision.
 1. Responses shall be emailed to the Director of Professional Standards at: [REDACTED] requesting that it be attached to the LOR.
- B. Request for an Administrative Appeal: All employees may submit a request for an administrative appeal within thirty (30) calendar days of the date the LOR was served.
 1. The employee or their representative shall submit the request via a Request for Administrative Appeal form to the Director of Professional Standards at: [REDACTED]
 2. An employee may request an extension of the thirty (30) calendar day requirement by submitting a written request detailing the reasons for the extension to the Director of Professional Standards at the above email address. All decisions on extensions will be made by the Chief Probation Officer or Assistant Chief Probation Officer.
 3. The employee is permitted to have a representative accompany them to the appeal. It is the appellant's responsibility to notify their representative of the hearing date, time, and place.
 4. During the appeal, only the employee and/or their representative may present factual information to the Department which they feel is relevant to the LOR being appealed. The LOR appeal process does not include confronting and/or cross-examining witnesses. Matters of past action(s) not timely appealed, prior appeals, pending discipline(s), alleged discrimination, grievances, and/or other complaints, etc. not directly related to the facts presented in the immediate matter are not within the jurisdiction of the Administrative Appeal and shall be pursued by the employee through other appropriate avenues.

II. Professional Standards:

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- A. Written Response: Upon receiving a timely written response from an employee:
 - 1. The response shall be delivered to Probation Payroll/Personnel to be included in the employees Probation Department personnel file and attached to the LOR located therein.
 - 2. A copy shall also be provided to the Human Resources Business Partner (HRBP) for their records.
- B. Request for an Administrative Appeal: Upon receiving a timely Request for Administrative Appeal form from the employee or their representative:
 - 1. Shall, within five (5) working days, email the employee that the request has been received and notify them they will be contacted with the date, time, and location of their Administrative Appeal.
 - 2. Shall organize the convening of the Administrative Appeal Panel within fifteen (15) working days unless a later date is agreed upon in writing (email is acceptable) between the employee (or their representative) and the Department.
 - 3. Shall notice the employee via email with the date, time, and location of the appeal once it is organized. Appeal hearings will be scheduled during the employee's normal tour of duty whenever possible.
 - 4. Shall provide all required documentation and necessary information to the appeal panel, including, at minimum, copies of all relevant evidence, policies/procedures, and a copy of the LOR.
 - 5. Shall complete any follow-up and/or further investigation as directed by the Appeal Panel and shall provide the required information to the panel in a timely manner.
 - 6. Shall email the employee advising them of the panel's decision within fifteen (15) working days unless further follow-up and/or investigation is required. The panel's decision will be noted in the appropriate section of the Request for Administrative Appeal form, a copy of which will be returned to the employee attached to the notification email.
 - 7. Shall provide the employee with a copy of the audio recorded appeal upon their request.
 - 8. If the LOR is sustained, shall ensure a copy of the decision is entered into the employee's Probation Department Personnel file.
 - 9. If the LOR is modified, shall serve the modified LOR on the employee and ensure the modified document replaces the original in the Probation Department personnel file.
 - 10. Shall maintain electronic and/or hard files of all appeals and findings.
 - 11. Shall ensure the Department's HRBP receives a copy of all relevant information for their records.

III. Administrative Appeal Panel – General Guidelines:

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- A. Panel shall be comprised of three employees equivalent to the level of Division Director II or above, in any combination, as required by the Department (e.g., three Deputy Chiefs; or two Deputy Chiefs and one Division Director II; or two Division Director IIs and one Deputy Chief).
- B. If the appellant is a Division Director, the panel shall consist of three Deputy Chiefs or above.
- C. If the appellant is a Deputy Chief, the Chief or their designee shall have the discretion on how the panel should be organized.
- D. The Appeal Panel shall not consist of any member in the employee's direct chain of command.
- E. The Appeal Panel's decision(s) are binding on the Department and the employee unless changed as the result of other appeal processes or rights as prescribed by law. There is no further Department appeal right on a LOR modified through the panel's decision.
- F. Appeals shall be audio recorded, and a copy will be given to the employee upon request through Professional Standards.
- G. The Appeal Panel may direct Professional Standards to conduct additional investigation as needed.
- H. The Appeal Panel may sustain, not sustain, or modify the LOR.
- I. In an instance where the Appeal Panel cannot come to an agreement, the Chief or their designee will mediate.
- J. The Appeal Panel shall designate a chair to oversee the appeal process, decisions, etc.



REQUEST FOR ADMINISTRATIVE APPEAL

Employee's Name/Emp. #: _____

Work Schedule/Tour of Duty: _____

Assigned Worksite: _____

Telephone Number: _____

Date LOR Served: _____

Employees may submit a request for an Administrative Appeal within thirty (30) calendar days of the date the LOR was served.

Statement of facts or issues to be appealed:

Written Response Attached? Yes___ No___

Other Documentation Attached? Yes___ No___

If yes, please specify: _____

Employees are permitted to have a representative accompany them to the appeal. It is the employee's responsibility to notify their representative of the hearing date, time and place.

Employee's Representative: _____

Telephone Number: _____ Email: _____

Employee's Signature: _____ Date Signed: _____

EMAIL THIS COMPLETED FORM TO THE PROFESSIONAL STANDARDS DIVISION AT:
Director.ProfessionalStandards@prob.sbcounty.gov



APPEAL PANEL RESPONSE

Date/Time of Appeal: _____

Panel Members

Name and Signature

Chair: _____

Panelist: _____

Panelist: _____

Others present at appeal: _____

Panel Findings

_____ LOR Sustained

_____ LOR NOT Sustained

_____ LOR Modified

Modified as Follows: _____

Considerations

Date of Findings Notice to Employee: _____ To Administration: _____

Notifications Completed by: _____