



**AUDIT REPORT OF
CONSISTENT DISCIPLINE**

September 13, 2023

**Cuyahoga County
Personnel Review Commission**

INTRODUCTION

Cuyahoga County Charter Article IX (Charter), Section 9.02, sets forth various responsibilities for the Personnel Review Commission (PRC), one of which is reviewing and auditing compliance with federal, state, and local laws regarding personnel matters within the County Executive's organization and departments. Charter section 9.02(3) authorizes the PRC to review, audit, report, and make recommendations regarding consistent discipline.

BACKGROUND

The Cuyahoga County Employee Handbook (Employee Handbook) contains a progressive discipline policy in section 7.07 (the Policy). (Attachment A) The primary goal of the County's policy, as stated in the Handbook, is to help employees recognize and correct unacceptable behavior before it becomes serious enough, or frequent enough, to warrant termination of employment. The County's policy is not intended to be punitive.

When discipline is being considered, the County examines the totality of the employee's discipline record, and managers/supervisors are encouraged to exercise independent judgement in their recommendations for discipline. The types of discipline available in the County's Policy are verbal reprimand, written reprimand, working suspension, suspension, demotion, and removal. The Policy requires that prior to initiating discipline, management representatives must investigate and obtain documentation of the alleged conduct. Management then consults with HR for guidance to ensure consistency across the organization. HR personnel administering discipline meet with the Human Resources Director, the Director of Employee & Labor Relations, and the Director of HR Employee Services to discuss pending disciplinary matters.

The HR department has developed internal procedures to implement the discipline Policy. If the facts justify a suspension, demotion, or removal, a Pre-Disciplinary Conference (PDC) is offered to employees to provide them a final opportunity to present their side of the case. In accordance with the Policy, employees may waive the PDC. When verbal or written reprimands are being considered, the procedure is different, as no PDC is offered to employees. HR's internal process includes the following documents to be issued during the process, depending on the level of discipline issued:

- For all types of discipline:
 - Acknowledged discipline document issued to the employee, the original of which is placed in the employee's personnel file (Discipline Letters).
- For removals and unpaid suspensions, the types of documents generated are:
 - Request for Pre-Disciplinary Review and accompanying documentation supporting removals
 - Notice of Pre-Disciplinary Conference (PDC)
 - PDC Report
 - Employee rebuttal materials to the PDC Report

- Discipline Agenda Memoranda which contain the HR Director's signature approving the discipline to be issued.
- For verbal and written reprimands:
 - The reprimand document containing the type of reprimand, a description of the conduct giving rise to the reprimand, the policy violation, and the employee's signature acknowledging receipt.

In addition, the HR department has developed a procedural guideline, the "PDC Script", which is provided to management staff and HR managers engaging in the PDC process. This document emphasizes the importance of considering the level of discipline imposed in prior cases under similar circumstances. It also states that for "reasons of basic fairness, the County strives to be consistent when deciding upon the severity of penalties while still evaluating the facts on a case-by-case basis."

OBJECTIVE AND SCOPE OF THE AUDIT

The PRC conducted this audit in compliance with its Charter responsibility to review, audit, report, and make recommendations regarding consistent discipline, stated in Article IX of the Charter, at section 9.02(3). The Charter does not define 'consistent discipline', so it is incumbent upon the PRC to define this phrase for this initial audit. The scope of this initial audit was twofold: (1) to assess and evaluate HR's administration of discipline to determine whether Human Resources (HR) complies with the County Policy; and (2) to assess the County's recordkeeping practices around discipline.

The audit period was calendar year 2022 and the audit was limited to disciplinary actions affecting only the classified non-bargaining employees of the County Executive's departments. Discipline of bargaining unit employees was not included in this initial audit because discipline for those employees is governed at least in part by numerous (over 30) collective bargaining agreements containing different disciplinary provisions. This is a more complex audit which the PRC plans to undertake in the near future.

For this audit, without knowing how many disciplinary actions had been taken on non-bargaining unit employees in 2022, the PRC established the goal of reviewing 20% of the completed discipline forms/records for each type of discipline issued.

METHODOLOGY

To gather information necessary to complete this audit, the PRC interviewed multiple County representatives and reviewed several sources of information. The PRC held information-gathering meetings with Sarah Nemastil, HR Director, Patrick Smock, HR Director/Employee Services, Eric Myles, HR Director/Employee & Labor Relations, Tanisha Morris, Interim Administrator of HR, Sheriff's Department, and Brooke Deines, Manager of HR Employee & Labor Relations.

The PRC also reviewed the following documents:

- Cuyahoga County Employee Handbook, sections 7.01, 7.04, and 7.07
- Sheriff Department's Standard Schedule of Disciplinary Offenses and Penalties for Employees of the Cuyahoga County Sheriff's Office
- Monthly Personnel Agendas HR prepared and sent to the PRC periodically throughout 2022; this is a list of personnel actions approved by the County Executive (or his designee) during the previous month
- Disciplinary records generated in 2022 that HR sent to the PRC.
- Multiple spreadsheets tracking discipline provided by HR

Historically, the monthly Personnel Agendas sent to the PRC included involuntary separations. In 2021, the County implemented an Enterprise Resource Planning System (INFOR), and HR began tracking some of the personnel actions using that system but did not include involuntary separations. Thus, Personnel Agendas prepared after the point INFOR was implemented in HR no longer included involuntary removals.

The PRC also reviewed documents HR provided that are generated during the disciplinary process for each type of discipline issued. In some cases, throughout 2022, HR staff sent the PRC copies of these documents, however this body of information was incomplete, and the PRC was unable to utilize it as a cross reference in this audit.

AUDIT FINDINGS

HR provided disciplinary documentation for 29 disciplinary actions taken on non-bargaining employees in the County Executive's departments. This was a much smaller number of actions than the PRC anticipated, and as such, influenced the nature of the audit. Because of the smaller sample of actions, the PRC abandoned its original goal of evaluating 20% of the documentation for all actions taken in 2022, and instead focused on whether the actions were consistent across all 29 disciplinary actions, and on the recordkeeping procedures involved in the policy.

The PRC's audit of the consistency of discipline across these 29 employees revealed that the County's disciplinary actions in these cases were consistent with the County's policy. In 2022, discipline issued to these employees consisted of six (6) removals, three (3) unpaid suspensions, and 20 reprimands. (See Attachment B.) The PRC reviewed Discipline Agenda Memoranda, Discipline Letters, and reprimand documents issued to these employees. These records show that no disciplinary demotions were issued in 2022. The County was able to provide adequate documentation for these cases for the PRC to carefully assess the County's actions as a result of the specific violations, and the County's practices adhered to the discipline policy as stated in the Employee Handbook. The County has also implemented internal procedures to ensure standardization and consistency in administration of the Policy, through integration of records, consistent review of past incidents of discipline, documentation of internal procedures, and training of staff in disciplinary procedures.

Any concerns the PRC identified in this audit pertain specifically to the County's recordkeeping procedures. These concerns are identified below, and, in each case, the PRC makes a recommendation for improvement in the County's practices.

ISSUE #1: Ensuring consistent discipline across the organization is an important risk management strategy, and recordkeeping is fundamental in this process. HR does not maintain a central repository of all the County's hard-copy discipline records (Refer to the lists on pp.2 and 3.); these are all maintained by HR staff assigned to individual departments. HR staff enters key data from disciplinary actions into spreadsheets maintained on shared drives, however, because the County network servers and the HHS network servers are not compatible, HR employees enter data into two different spreadsheets, depending on the department to which they're assigned. The Employee & Labor Relations Manager manually combines these spreadsheets into one master spreadsheet which she updates quarterly.

The process of manually entering key discipline data into separate spreadsheets, along with the fact that the County now has established two Human Resources departments, poses a challenge to ensuring consistent discipline across the organization.

HR advised the PRC that the County's Enterprise Resource Planning (ERP) System (INFOR) facilitates tracking of removals, disciplinary demotions, and unpaid suspensions through the payroll module because these actions have monetary implications. However, the County is not currently utilizing a dedicated module for tracking all disciplinary records.

RECOMMENDATION #1: The Human Resources department has been steadily working to implement various modules in the INFOR system, and the PRC has been informed there is a plan in place to explore a discipline module of INFOR to determine whether it will support an efficient and centralized repository for disciplinary tracking. The PRC is encouraged to know that the County is pursuing a solution that would capitalize on the capabilities of the ERP, with the expectation that a centralized, digitized record will support the County's efforts to ensure consistency in its disciplinary practices.

ISSUE #2: The records provided to the PRC in this audit reflect a lack of consistency in the documentation generated throughout the disciplinary process in accordance with the procedures established by the HR department. For example, discipline letters were issued to 28 of 29 employees who were disciplined in 2022. In one case, the PRC did not receive evidence that an employee who was removed was notified of the removal via a Discipline Letter. In two cases, reprimand documents were not generated, and HR does not have a record that the employees received the reason for their reprimands and notice of the policies they violated.

Discipline Agenda Memoranda were not generated in cases of one removal and one unpaid suspension. These documents are necessary as they contain the HR Director's signature approving the discipline and should be issued for all disciplinary removals, disciplinary

demotions, and unpaid disciplinary suspensions. These instances reflect a lack of adherence to the department's internal procedures for documentation of the disciplinary process.

RECOMMENDATION #2: These documents should be generated and maintained for all discipline issued so that HR may document its consistency with its internal procedures. This includes providing notification to the employee recommended for discipline, and the employee's receipt of a description of the conduct resulting in discipline and the reason(s) for the level of discipline issued. By doing this, the County will be able to demonstrate that discipline is issued on a consistent basis and will better manage the risk associated with inconsistent personnel practices.

ISSUE #3: The Sheriff's Department adheres to the "Standard Schedule of Disciplinary Offenses and Penalties for Employees of the Cuyahoga County Sheriff's Office" (Standard Schedule), which applies to all Sheriff Department employees. (See Attachment C.) It is a compilation of various documents detailing over 100 types of conduct that may give rise to a range of discipline. It appears to date back to 1977, with some pages dated 1980 and 2018. It contains at least four amendments that Sheriff Gerald T. McFaul made in September 1980, June 1981, and April 2000, and that Sheriff Bob Reid made in February 2010. HR provides Sheriff Department employees with the Standard Schedule during orientation and obtains signed employee acknowledgments of their receipt of the document that are placed in the employee's personnel file.

Sheriff Department HR does not know whether County Council has approved the Standard Schedule, in the way that the County's Employee Handbook has, or whether the document is incorporated into the various collective bargaining agreements applicable to Sheriff Department employees.

Several disciplinary standards in the Standard Schedule differ from the County's discipline Policy. For example, the Standard Schedule includes a table of discipline for attendance that is unlike the attendance discipline table in section 7.04 of the Employee Handbook. The Standard Schedule also includes ambiguous descriptions of conduct that may give rise to discipline, like Rule 22, which states that an employee who exhibits "carelessness in performing or carrying out normal job duties" may be subject to discipline ranging from a verbal reprimand to removal, and like Rule 70, which states that engaging in "any other act or failure to act which constitutes incompetency, inefficiency, dishonesty, immoral conduct, insubordination, discourteous treatment of the public, failure of good behavior or other misfeasance, malfeasance, or nonfeasance in office" may result in discipline ranging from a written reprimand to removal.

The Sheriff is ultimately the single authority interpreting the meaning of the rules in the Standard Schedule, which provides an opportunity for inconsistency unless he consults with the HR department to get a sense of previous, similar disciplinary scenarios. In some cases, the Standard Schedule conflicts with the County's Policy and imposes additional requirements on employees apart from those in the Policy.

RECOMMENDATION #3: The Sheriff Department HR and the County's HR department should review and compare the Standard Schedule discipline policy with the County's discipline policy to identify and reconcile any inconsistencies that would pose a risk to the County's risk management efforts. The PRC also recommends that the Standard Schedule be subjected to a legal review to ensure that the language, terminology, and intent of these policies are consistent with current legal requirements. To ensure the Standard Schedule has the same legal effect and weight as the County's Handbook does, the County should consider presenting the Standard Schedule to County Council for review and approval, including providing a rationale for those policies which conflict with the County Executive's policy.

ISSUE #4: In some cases, the County sent discipline documentation to the PRC during 2022. The PRC received fifteen documents from HR, but 13 were Disciplinary Memoranda with the Appointing Authority's signature, 2 were Disciplinary Letters to employees and 1 was a Personnel Action form. Although this issue is not one of consistency with the County's policy, it appears that at some point HR staff were informed to notify the PRC of any disciplinary actions that occurred, but it seems the practice was not universally adopted or enforced.

RECOMMENDATION #4: The PRC has been encouraged in 2023 that the current Executive and his HR team have been much more diligent about sending consistent disciplinary records to the PRC. The benefit of this effort is that the PRC can utilize this body of records as a check on data received from the County regarding disciplinary actions. Going forward, this practice, along with providing quarterly reports of disciplinary actions taken by the County, will help to ensure future audits are thorough by providing a secondary source of information to ensure integrity of information used in the audit.

This report and its attachments will be posted on the PRC's website at <https://www.cuyahogacounty.us/personnel-review-commission/about-us/compliance-reporting>.

ATTACHMENT A

7.07 Progressive Discipline

The County in general subscribes to a policy of progressive discipline. Unclassified employees serve at the pleasure of the Appointing Authority and can be removed from their position at any time, without application of progressive discipline.

Progressive discipline is not intended to be punitive. The goal of progressive discipline is to help the employee recognize and correct unacceptable behavior before it becomes serious enough, or frequent enough, to warrant termination of employment. Certain offenses and misconduct may be severe enough to warrant immediate placement on administrative leave which may lead to removal from employment without applying progressive discipline. These include, but are not limited to the following examples: egregious or willful neglect of assigned duties or failure to supervise; disregarding safety or security regulations; destruction of County property; falsification of records; dishonesty in application for benefits; unauthorized time entries; soliciting or accepting a bribe; assault; fighting; theft; egregious sexual harassment; egregious hostile, intimidating or offensive work environment; unauthorized possession of dangerous items or weapons; use, possession, or distribution of alcohol or illicit drugs; refusal or failure to submit to mandatory alcohol or drug testing; failing or tampering with an alcohol or drug test; committing a felony; a felony conviction; absence without leave (AWOL) as defined by the attendance policy.

Application

When progressive discipline is applied, the County shall examine the totality of the employee's current disciplinary record, including, but not limited to, attendance and tardiness discipline that remains active.

Procedure

Supervisors and managers are responsible for exercising independent judgement to identify and recommend the need for discipline.

When a management representative recommends discipline, they shall consult with Human Resources for guidance and to ensure consistency across the organization. Prior to recommending discipline, supervisors must have investigated and obtained documentation of the alleged conduct.

After a supervisor has recommended discipline, the role of Human Resources is to provide guidance on the level of discipline to be imposed. If the facts of the case may justify a suspension, demotion, or removal, the management representative will complete a request for Pre-Disciplinary Conference (PDC).

The purpose of the PDC is to provide the employee with a final opportunity to present their side of the case and to provide any additional information or documentation that the employee desires to be considered. Human Resources will coordinate the PDC and will provide written notice to the employee and supervisor regarding the date, time, and location of the PDC. Employees shall be provided with the option of waiving the PDC. Employees shall have the right to take an audio or video recording of their PDC.

Depending on the nature of the discipline that is ultimately issued, employees will be notified of discipline by their supervisor or Human Resources.

All disciplinary actions that are imposed shall be filed with Human Resources.

Disciplinary actions will remain active for two (2) years for purposes of progressive discipline. The two (2) year period shall be measured backward from the date of the subsequent offense to the date the prior discipline was imposed.

- **Verbal Reprimand:** A verbal reprimand is an articulation of the problem by the supervisor to the employee. A verbal reprimand shall note the date and nature of the problem, as well as specifically state the employee is receiving a verbal reprimand.
- **Written Reprimand:** A written reprimand is formal, written notice by the supervisor to the employee that their conduct is inappropriate, what actions are necessary to correct the misconduct, and the consequences of continued misconduct.
- **Working Suspension:** A working suspension results when an employee is required to report to work to serve a suspension. An employee serving a working suspension shall be compensated at their regular rate of pay for hours worked. The working suspension shall be recorded in the employee's personnel file and has the same effect as a suspension for the purposes of progressive discipline.

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- **Suspension:** A suspension is a forced, unpaid leave of absence from employment for one (1) or more days.
- **Demotion:** A demotion is a forced transfer of the employee from one classification or job to another classification or job in a lower pay grade.
- **Removal:** A removal is a forced separation of employment.

A record of any disciplinary action must be made using a form prescribed by Human Resources and will be placed in the employee's personnel file.

At the sole discretion of the Director of Human Resources or designee, an employee may be temporarily placed on paid administrative leave. This may be necessary because the employee's actions indicate that remaining on the job or returning to the job may be detrimental to the employee, co-workers, customers or the County. Employees who are placed on paid administrative leave shall be prepared to return to work each day and may be subject to other requirements determined by Human Resources.

Prohibited Conduct

The County considers the following to be a non-exhaustive list of unsatisfactory conduct that may be considered grounds for progressive disciplinary action or removal without progressive discipline when appropriate:

- Absence from duty without reasonable cause
- Absence without leave
- Being away from assigned work area without permission of supervisor
- Conduct that might endanger the safety of others
- Conduct unbecoming an employee of the County
- Creating a hostile, intimidating or offensive work environment based upon a protected characteristic
- Excessive absenteeism
- Excessive tardiness
- Failure to comply with safety regulations, procedures and/or guidelines
- Failure to cooperate in a workplace investigation
- Failure to follow call in procedures
- Failure to follow the orders of a supervisor
- Failure to properly report work status
- Failure to report known safety hazards
- Failure to wear required safety equipment
- Falsification
- Fighting
- Harassment, discrimination or retaliation against another
- Insubordination
- Intimidation or threats

- Misfeasance, malfeasance or nonfeasance
- Neglect of duty
- Offensive language or conduct toward another
- Poor job performance
- Possession of weapons on County premises without authorization
- Reckless operation and/or misuse of County vehicles and equipment
- Reporting for or being on duty in an unfit condition to work
- Reporting to work under the influence of alcohol and/or drugs
- Sleeping while on duty
- Theft
- Use of or possession of alcohol and/or drugs on County property
- Destruction of County property
- Violation of policies, procedures, rules, regulations, or guidelines

Evaluation of Inappropriate Conduct

All inappropriate conduct shall be evaluated on a case by case basis, considering the following factors:

- Level of disruption to County business.
- Level of harm to the County's interests.
- Level of damage to the public's trust and confidence in Cuyahoga County government.
- The employee's position and the degree of responsibility inherent in that position (i.e., supervisory vs. non-supervisory positions). Employees who occupy a supervisory or management position are held to a higher standard of conduct commensurate with the level of leadership required of them.
- Whether the employee's conduct is part of a continuing problem.
- Whether the employee's conduct put a co-worker, vendor or customer's safety and/or security at risk.
- Whether the employee's truthfulness brought into question because of his or her conduct.
- Whether there are extenuating or mitigating circumstances.

Appeals

The Cuyahoga County Charter provides classified non-bargaining employees an appeals process for certain disciplinary action through the Personnel Review Commission (PRC). Details are available on the website of the PRC. Bargaining employees should review their CBA regarding appeals.

ATTACHMENT B

Employee #	Discipline Issued	Disc Memo? Y/N	Disc Ltr? Y/N	Reprimand? Y/N	Date Discipline Issued	Job Position	Department	Policy Violation & Description of Conduct
219817	Removal	Y	Y	NA	11/11/2022	Service Desk Analyst	Information Technology	Wrongful possession of mobile telephone; wrongful possession and use of a County parking permit resulting in receipt of a financial benefit of \$6,780; wrongful possession of a County laptop. Violation of the Employee Handbook, §7.07 due to theft, misuse of County equipment, violation of County Electronic Equip. & Communications Policy Mobile Device Use Policy, and conduct unbecoming a County employee.
225810	Removal	Y	Y	NA	2/8/2022	IT Project Manager	Information Technology	Probationary Failure, no description of conduct.
230184	Removal	Y	Y	NA	11/3/2022	Administrative Hearing Officer	Health and Human Services	Probationary Failure, no description of conduct.
230417	Removal	N	Y	NA	7/20/2022	C.A.D. Technician 1	Fiscal	Probationary Failure, no description of conduct.
230195	Removal	Y	Y	NA	10/4/2022	Information Systems Analyst	Information Technology	Probationary Failure, no description of conduct.
XXXX	Retirement in lieu of termination	NA	NA	Unpaid administrative leave & Retirement in lieu of termination letters	7/31/2023 (Retirement date)	Manager	IT	No facts regarding conduct in either the unpaid administrative leave letter or the retirement in lieu of termination letter.
224164	Unpaid Suspension (10 days)	N	Y	LCA	11/4/2022	Administrative Assistant	Development	Failed to promptly process a bank loan application and supervisor had to get involved; did not keep files current; neglected to recognize delinquent taxes on a lead and did not investigate it; unprofessional and disrespectful response to supervisor directive; untruthful with supervisor; previously received a written reprimand, and 1 day and 3 day suspension for poor job performance. Violation of Employee Handbook § 7.07 due to poor performance, neglect of duty, misfeasance, and behavior unbecoming a County employee.
226299	Unpaid Suspension (10 days)	Y	Y	NA	11/15/2022	Justice System Advocate	PSJS	Per complaint by City of Cleveland Chief Assistant Prosecutor, arrived to court late; 30 days of timesheet inconsistencies. Violation of Employee Handbook § 7.07 due to falsification and theft.
7271	Unpaid Suspension (3 days)	Y	N	NA	4/11/2022	Administrative Officer	Health and Human Services	Employee sent emails to supervision saying "you sound like a bitter and angry person and I don't need this aggravation"; "other than work issues I am requesting you not to speak or say anything to me ever again"; and "do not bother me anymore." Violation of §7.07 of Employee Handbook due to conduct unbecoming a County employee and use of offensive language/ conduct.
8902	Verbal Reprimand	NA	NA	Verbal reprimand	8/25/2022	Nurse Supervisor	HHS	Disorganized, incomplete and untimely work logs, home visits were unsubstantiated due to lack of documentation. EE provided no explanation during meeting on 8/19/202. Failure to follow orders of supervisor.
8902	Written Reprimand	NA	NA	Written reprimand	9/15/2022	Nurse Supervisor	HHS	Work logs were disorganized, poor time management, incomplete and untimely documentation in PeerPlace, unsubstantiated home visits and lack of travel report. Failure to follow orders of supervisor.
9716	Verbal Reprimand	NA	NA	Verbal reprimand	7/29/2022	EFS Supervisor	HHS	Not completing 2 reviews per worker per month in accordance with the CJFS Supervisor and Office Manager Review Policy, over 6 months, received 31 of 84 case reviews; not completing 1 coaching bi-monthly for each staff; failure to comply with CBA which requires employee evaluations, only evaluated 1 employee over last 2 calendar years. Violation: Failure to follow directives of a supervisor and poor performance.
8225	Verbal Reprimand	NA	NA	Verbal reprimand	4/4/2022	Investigator Supervisor	HHS	Reviewed employee's cases and found serious issues with performance -- lack of understanding of OAC rules for SNAP overpayment calculations and for establishing claims; failure to follow established case review criteria; failure to effectively and /or accurately communicate information to staff; failure to correctly and /or consistently update department database with accurate information. Violation: Failure to follow directives of a supervisor and poor performance.
202186	Verbal Reprimand	NA	NA	Verbal reprimand	12/2/2022	Building Maintenance Supervisor	Public Works	Approved subordinate employee's time-off without the employee requesting in advance, which violates the Employee Handbook, §11.
XXXX	Verbal Reprimand	NA	NA	Verbal reprimand	3/30/2022	Manager	Fiscal	Failure to manage staff to ensure their work is completed and meets the required standards in violation of the Employee Handbook.

216696	Verbal Reprimand	NA	NA	Verbal reprimand	11/3/2022	Custodial Worker Supervisor	Public Works	After receiving a counseling based on a complaint made by an unknown employee, the employee emailed HR identifying an employee he believed made the complaint, made several demands he wanted to share with the employee he identified, and referenced multiple incidents where that employee could have received possible discipline. This was a form of retaliation and a violation of §7.07 of the Employee Handbook for neglect of duty in failing to properly supervise and enforce work rules or county policies or procedures.
2153	Verbal Reprimand	NA	NA	N	6/14/2022	Correction Lieutenant	Sheriff	Failed to follow the proper hold process for an inmate and the inmate was released in error in violation of Rule 10 of the Sheriff's Department's Standard Schedule of Disciplinary Offenses and Penalties for Employees of the Cuyahoga County Sheriff's Department. Rule 10 provides a range of discipline for "failure to comply with a written or verbal order of the Sheriff, a supervisor or superior officer." The discipline issued for violation of Rule 10 for the 1st offense is a minimum of 3 days up to removal, for the 2nd offense a minimum of 20 days up to removal, and for the third offense removal.
220930	Verbal Reprimand	NA	NA	Verbal reprimand	6/23/2022	Radio Dispatch Coordinator	Public Works	Sleeping while on duty twice, in violation of §7.07 of the Employee Handbook, Prohibited Conduct, "Sleeping While on Duty."
227697	Verbal Reprimand	NA	NA	Verbal reprimand	9/14/2022	Workforce Analyst	Development	Employee's supervisor directed her to work from 8:30 to 4:30. Employee worked those hours for one week, but in another week her work hours did not align with the directive. Employee did not clear the different work hours with her supervisor. Failure to follow orders of a supervisor and failure to properly report work status in violation of §7.07 of the Employee Handbook.
205929	Verbal Reprimand	NA	NA	Verbal reprimand	11/29/2022	Purchasing Agent	Fiscal	Input unprofessional wording into Lawson Contract Management System suggesting appearance of impropriety. Violation of §7.07 of the Employee Handbook, conduct unbecoming a County employee.
224646	Verbal Reprimand	NA	NA	Verbal reprimand	12/1/2022	Supervisor	Public Works	Employee did not request 2 days of vacation time until after it was taken. Violation of §11 of the Employee Handbook, time off and leaves of absences.
598	Written Reprimand	NA	NA	Written reprimand	8/15/2022	Accountant 3	Fiscal	Sleeping while on duty -- a manager observed the employee with feet on desk and eyes closed. The Written Reprimand states that even if he wasn't sleeping, he was sitting in a position or manner causing a reasonable person to believe he was sleeping. Violation of §7.07 of the Employee Handbook for neglect of duty, poor job performance, failure to follow orders of a supervisor, and conduct unbecoming an employee of the County.
8228	Written Reprimand	NA	NA	Written reprimand	4/13/2022	Sr. Child Care Examiner	HHS	345 AWOL hours occurred from 12/7/2021 thru 3/4/2022. Violation of §7.04 of the Employee Handbook.
204860	Written Reprimand	NA	NA	Written reprimand	6/28/2022	Project Manager	IT	Employee said she had Covid and then coughed in the direction of her supervisor and then in the direction of a colleague. Violation of §7.07 of the Employee Handbook, Behavior.
218442	Written Reprimand	NA	NA	Written reprimand	7/7/2022	Development Administrator	Development	EE became combative, rude, disrespectful, and aggressively loud during a team meeting, took a negative position, and refused to allow staff members form complete sentences before interjecting rantings about situations from prior years, causing great disruption. Violation of §7.07 of the Employee Handbook, Behavior.
224147	Written Reprimand	NA	NA	Written reprimand	6/30/2022	Supervisor	Public Works	Verbally approved employee's time off in violation of the procedure requiring time off requests be entered in MyTime. Violation of Procedure.
8981	Written Reprimand	NA	NA	Written reprimand	11/22/2022	Executive Officer	HHS	Harassment and/or bullying by engaging in repeated, inappropriate comments and behaviors to staff, including making derogatory comments based on protected class. Violation of §7.07 of the Employee Handbook.
203243	Written Reprimand	NA	NA	N	12/28/2022	Sheriff's Clerk Supervisor	Sheriff	Violation of Rule 22 of the Sheriff Department's Standard Schedule, "Carelessness in performing or carrying out normal job duties."
220475	Written Reprimand	NA	NA	Written reprimand	8/30/2022	Program Officer 4	Development	Refused to attend meeting that supervisor asked the employee to attend, failed to respond to supervisor email re attending the meeting, and caused major disruption to the unit. Violation of §7.07 of the Employee Handbook, Insubordination.

ATTACHMENT C

**CUYAHOGA COUNTY
SHERIFF'S OFFICE**

**Standard Schedule of Disciplinary Offenses
and Penalties for Employees of the Cuyahoga
County Sheriff's Office**



Revised December 14, 2008

STANDARD SCHEDULE OF DISCIPLINARY OFFENSES AND PENALTIES FOR EMPLOYEES OF THE CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

GERALD T. McFAUL, SHERIFF

CUYAHOGA COUNTY, OHIO

1. The following list is not intended to cover every possible type of offense. Penalties for offenses not specifically listed will be consistent with penalties for offenses of comparable gravity.
2. Penalties for disciplinary offenses will, in general, fall within the range indicated. In unusual circumstances, depending on the gravity of the offense, the past record, and the position of the employee, a penalty outside the general range may be imposed.
3. Depending on the gravity of the offenses, removal proceedings may be instituted against an employee for four (4) infractions involving actual penalties of four or more suspension days each, committed in any 24 month period.
4. Where appropriate, reduction to a lower classification may be given in lieu of removal or a suspension of fifteen (15) or more days.
5. Suspension penalties on this schedule apply to work days.
6. Multiple offenses will result in the imposition of consecutive suspensions. Removal may be imposed whenever multiple offenses can result in consecutive suspension totalling 45 days or more, regardless of whether or not removal could have been imposed for any single offense.
7. The "reckoning period" is the period of time in which a repeated offense will be deemed to be a second, third or more offense. Reckoning periods start with the date of the offense. The elapse of the reckoning period does not cause the records of prior offenses to be removed from an employee's personnel file. Even where a reckoning period has elapsed, the commission of a similar offense may result in more severe discipline within the appropriate range.
8. From time to time, various amendments, additions, or deletions will be made in this standard schedule of Disciplinary Offenses and Penalties. All such changes will be posted at least seven (7) calendar days prior to effective date, and will remain posted for at least 45 calendar days after the effective date, at each of the following locations in the Correction Center: Second Floor - Time Clock Area, Third Floor - Rollcall Room - Time Clock Area, All Locker Rooms and All Department Bulletin Boards.

It is the responsibility of each employee to check these locations for such changes at least once each week. It is also the responsibility of each employee to pick up a copy of each such change from the Personnel Office.

CUYAHOGA COUNTY SHERIFF'S OFFICE

CS-36

LE NO. GENERAL ORDER 00-1

DATE April 13, 2000

FROM Sheriff Gerald T. McFaul

TO All Employees

SUBJECT Revision of Rules

COPIES TO

The Standard Schedule of Disciplinary Offenses and Penalties for Employees of the Cuyahoga County Sheriff's Department will be amended effective May 1, 2000. Attached is a copy of the amended Rule # 1 Tardiness and Rule # 11 Failure to Punch Time Clock. Changes are identified by bold print.

Pursuant to O.R.C. 124.34 employees disciplined for attendance violations, Rule #1 Tardiness, Rule 2* AWOL, and Rule #11 Failure to Punch the Time Clock, will serve working suspensions. The working suspension applies to all attendance violations that occur on or after May 1, 2000.

Working Suspension is Defined as: An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions



Gerald T. McFaul, Sheriff

Tardiness and Attendance Policy: Sheriff's Department

Timely and regular attendance is an expectation of performance for all County employees. To ensure appropriate staffing levels, positive employee morale, and to meet expected productivity standards throughout the organization, employees will be held accountable for adhering to their workplace schedule. In the event an employee is unable to meet this expectation they must obtain approval from their supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate accruals, as well as late arrivals to or early departures from work. Departments have discretion to evaluate and issue discipline when appropriate. Employees covered under a CBA should refer to their CBA for time and attendance requirements, if applicable.

Punctuality and regular attendance are essential to ensure optimal productivity and customer service. Employees are required to maintain a satisfactory record of attendance. The County recognizes that employees will at times experience illness, or on an occasion be late for work due to unusual circumstances. This policy attempts to acknowledge both management and employee concerns.

Occurrences

An occurrence is defined as an unapproved absence, two (2) tardies or two (2) missed time clock punch-ins/outs. The total number of days or partial days that an employee is unavailable for work due to unapproved absence are considered when applying discipline, as outlined in the table below.

Unapproved Absences

An absence is deemed unapproved when an absence of more than one hour is not covered by an approved leave (e.g., sick, FMLA, vacation, compensatory or exchange time).

Employees will be docked pay for all hours missed due to unapproved absences.

Tardy

An employee is tardy when the following occurs involving periods of one hour or less:

- failure to report to work on time, as scheduled
- taking an extended meal or break period without prior approval

Time Clocks and Failure to Clock Punch-in/out

Employees who use timeclocks are required to follow established guidelines for recording their actual hours worked. A missed clock punch-in/out is a violation of procedural guidelines, as is punching-in/out early or late without prior approval.

Department Notification

Employees are expected to follow departmental notification procedures if they will be late for work, will not be at work, or are requesting planned time away from work. Employees must request in advance to their supervisor or designee if they wish to arrive early or leave early from

an assigned shift. Incidences of not following departmental notification procedures will be addressed in accordance with the County's progressive discipline guidelines. Please note that no call/no show is defined as AWOL below and treated differently from other notification violations.

The employee must follow their departmental notification procedures when an absence is due to a documented/approved leave of absence (e.g., FMLA, military leave, etc.) to ensure appropriate tracking of leave utilization.

Absence Without Leave (AWOL)

Employees who are absent for three (3) or more consecutively scheduled workdays without prior notification to their supervisor will be AWOL, and may be subject to removal. Supervisors should immediately consult with Human Resources if this situation occurs. A single day of no call/no show is subject to corrective action based on the circumstances of each individual case.

Progressive Discipline

For discipline purposes, tardies and missed punches are grouped together and will be treated on the same disciplinary progression. Discipline for all other attendance related offenses will be treated on a progression separate from tardiness/missed punches. However, the County reserves the right to consider the totality of an employee's record, including tardiness and attendance discipline, when determining the appropriate discipline for other types of offenses, such as performance or misconduct offenses. For example, a history of poor attendance may be considered as an aggravating factor if an employee is being disciplined for other poor work performance.

Supervisors and department management staff are responsible for tracking accumulated occurrences and for initiating the discipline process in consultation with Human Resources to ensure consistent application of discipline across the organization.

The following table is a guideline for discipline based on the total number of occurrences. Occurrences will be considered active for discipline purposes using a rolling twelve (12) month period. Occurrences will not be issued for absences that are protected under FMLA, ADA, Workers' Compensation, or legal proceedings leave.

An occurrence is equal to any of the following	Number of Occurrences	Disciplinary Action
<ul style="list-style-type: none"> • 2 tardies • 2 missed clock punch in/out • 1 tardy and 1 missed clock punch in/out 	2	Verbal reprimand
	3	Written reprimand
	5	1-day suspension
	7	3-day suspension
	9	5-day suspension
<ul style="list-style-type: none"> • 1 full or partial day unapproved absence 	2	Verbal reprimand
	3	Written reprimand
	5	1-day suspension
	7	3-day suspension
	9	5-day suspension
<ul style="list-style-type: none"> • Day of no call/no show (i.e. without prior notice) 	11	Termination
	1	1-day suspension
	2	3-day suspension
<ul style="list-style-type: none"> • AWOL (3 or more consecutive days of no call/no show) 	3	Employee subject to removal
	1	Employee subject to removal

12/11/18

JOB PERFORMANCE

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
20. Failing to submit a thorough and complete incident report when circumstances warrant, or when instructed to do so by a supervisor or superior officer	1 day	10 days	5 days	15 days	10 days	Removal	1 year
21. Failing to report damage to or destruction of any public property or other property in the custody of the Sheriff's Department	1 day	10 days	5 days	15 days	10 days	Removal	1 year
22. Carelessness in performing or carrying out normal job duties	Verbal Reprimand	5 days	Written Reprimand	10 days	3 days	Removal	1 year
23. Ignorance of the rules, regulations, and general orders of the Sheriff's Department	Verbal Reprimand	5 days	Written Reprimand	10 days	3 days	Removal	1 year
24. General inefficiency in performing job duties	Verbal Reprimand	5 days	Written Reprimand	10 days	3 days	Removal	1 year
25. General incompetency in performing job duties	Verbal Reprimand	5 days	Written Reprimand	10 days	3 days	Removal	1 year
26. Negligent failure to perform any routine job duties	Written Reprimand	5 days	3 days	15 days	10 days	Removal	1 year
27. Willful failure to perform any routine job duty	1 day	10 days	5 days	30 days	30 days	Removal	2 years
28. Failure to promptly and properly attend a court appearance when served with a valid subpoena	Written Reprimand	5 days	3 days	15 days	10 days	Removal	1 year

CONDUCT - ON DUTY

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
29. Verbal abuse of fellow employee, supervisor or superior officer, member of the public, or jail inmate or prisoner in custody	Written Reprimand	5 days	5 days	15 days	15 days	Removal	1 year
30. Physical abuse of fellow employee, supervisor or superior officer, member of the public, or jail inmate or prisoner in custody	5 days	Removal	10 days	Removal	Removal		2 years
31. Theft or unauthorized use or possession of any personal property of the Sheriff's Department, another employee, or jail inmate or prisoner in custody, or any personal property in the custody of the Sheriff's Department	15 days	Removal	30 days	Removal	Removal		3 years
32. Negligent damage or destruction of public property	Written Reprimand	15 days	3 days	30 days	5 days	Removal	2 years
33. Willful damage or destruction of public property	5 days	Removal	10 days	Removal	Removal		3 years
34. Gambling on duty	3 days	15 days	10 days	30 days	30 days	Removal	2 years
35. Engaging in any game involving cards, dice, dominos, etc., while on duty	Written Reprimand	5 days	3 days	10 days	15 days	Removal	2 years
36. Committing acts which constitute a felony under the laws of the United States, the State of Ohio, or the State in which such acts were committed	Removal						N/A
37. Committing acts which constitute a misdemeanor, other than a minor traffic violation, under the laws of the United States, the State of Ohio, or the State or municipality in which such acts were committed	3 days	Removal	15 days	Removal	30 days	Removal	3 years

JOB PERFORMANCE

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
8. Leaving work area without permission	Written Reprimand	10 days	5 days	Removal	15 days	Removal	2 years
9. Sleeping on duty	1 day	5 days	3 days	15 days	10 days	Removal	2 years
10. Failure to comply with a written or verbal order of the Sheriff, a supervisor or superior officer	3 days	Removal	10 days	Removal	Removal		2 years
11. Unexcused failure to punch time card or sign time sheet	1 day	5 days	3 days	15 days	10 days	Removal	1 year
12. Failing to report any on-the-job injury to the Personnel Division within 72 hours	Verbal Reprimand	3 days	Written Reprimand	15 days	10 days	Removal	1 year
13. Late return from rest or lunch break	Verbal Reprimand	3 days	Written Reprimand	15 days	10 days	Removal	6 months
14. Operating any motor vehicle on duty while Driver's License is under suspension or revocation	3 days	10 days	5 days	Removal	Removal		2 years
15. Uniform Code violation	Written Reprimand	3 days	1 day	10 days	5 days	Removal	6 months
16. Failing to notify Personnel Division of change of name, address, or home telephone number within 3 days after change	Verbal Reprimand	5 days	Written Reprimand	10 days	5 days	Removal	1 year
17. Refusing to work a duly assigned post, shift, or other assignment	3 days	Removal	10 days	Removal	15 days	Removal	1 year
18. Failing to render a service to anyone, if such service is within the normal and usual scope of the employee's duties, or is required by reason of an emergency	Written Reprimand	5 days	3 days	15 days	10 days	Removal	1 year
19. Failing to take monthly firearm target practice (applies <u>only</u> to Deputy Sheriffs)	Verbal Reprimand	5 days	Written Reprimand	10 days	5 days	Removal	1 year

SEE GENERAL ORDER 00-1, DATED APRIL 13, 2000

Effective 8-1-80

CONDUCT - ON DUTY

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
38. Engaging in unauthorized solicitation or distribution of materials within the Justice Center or any other County Facility	Verbal Reprimand	3 days	Written Reprimand	15 days	10 days	Removal	1 year
→ 39. Verbal or physical sexual advances or contacts with another employee, inmate, prisoner in custody, or member of the public while on duty	Written Reprimand	5 days	3 days	30 days	15 days	Removal	2 years
40. Reporting for duty or being on duty under the influence of any intoxicant or drug or narcotic, or the unauthorized possession of or attempting to bring any intoxicant or drug or narcotic on County property	5 days	Removal	15 days	Removal	Removal		3 years
41. Selling any intoxicant or drug or narcotic	Removal						N/A
42. Improper use, possession, or handling or unauthorized possession of Firearms or other weapons	5 days	Removal	15 days	Removal	Removal		2 years
43. Calling in sick or using sick leave under circumstances where the use of sick leave is not authorized	3 days	Removal	15 days	Removal	Removal		2 years
44. Falsification of any Sheriff's Department records or reports	10 days	Removal	Removal				3 years
45. Presence in an unauthorized area	Written Reprimand	10 days	3 days	30 days	15 days	Removal	2 years
46. Refusing to properly identify yourself to any Supervisor or superior officer upon request	Written Reprimand	10 days	3 days	30 days	15 days	Removal	2 years
47. Operating a Sheriff's Department vehicle in a manner violative of any State or municipal law	Written Reprimand	10 days	3 days	30 days	15 days	Removal	3 years

Effective 8-1-80

CONDUCT - ON DUTY

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
48. Knowingly making a false or misleading statement in the course of a Sheriff's Department investigation	5 days	Removal	15 days	Removal	Removal		3 years
49. Discourteous treatment or failure to properly assist a member of the public	Written Reprimand	30 days	3 days	Removal	10 days	Removal	3 years
50. Punching time card or signing time sheet of another employee, or having your time card punched or time sheet signed by another employee	Written Reprimand	15 days	5 days	30 days	15 days	Removal	2 years
51. Accepting tips, bribes, or other favors from any person in connection with the performance of job duties	3 days	Removal	15 days	Removal	30 days	Removal	3 years
→ 52. Engaging in any disorderly or disruptive conduct while on duty	Written Reprimand	30 days	10 days	Removal	15 days	Removal	2 years
53. Refusing to cooperate with Sheriff's Department investigation, including refusal to provide urine or blood specimens or submit to polygraph examination	3 days	Removal	15 days	Removal	30 days	Removal	3 years
54. Releasing home address, home telephone number, or any other personal information regarding a Sheriff's Department employee to any person without authorization	Written Reprimand	5 days	1 day	15 days	10 days	Removal	2 years
55. Using Sheriff's Department identification or inherent powers to extract favors from others or for personal gain	Written Reprimand	15 days	3 days	Removal	15 days	Removal	2 years
56. Exceeding, overstepping, or abusing the authority vested in a member of the Sheriff's Department by law	Written Reprimand	15 days	3 days	Removal	15 days	Removal	2 years

CONDUCT - ON-DUTY

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
57. Deliberately making any false, fraudulent, or malicious statement concerning a jail inmate the Sheriff's Department, another employee or a member of the public	Written Reprimand	3 days	1 day	15 days	10 days	Removal	1 year
58. Unauthorized possession, use, copying, or revealing of information concerning the business, activities, or conditions concerning inmates, employees, visitors, or the Sheriff's Department	Written Reprimand	5 days	3 days	15 days	10 days	Removal	1 year
59. Improper or negligent acts which cause or may cause damage to, waste of, or loss of material supplies, equipment, facilities, or other property of the Sheriff's Department, or of an inmate, a visitor or an employee	Written Reprimand	15 days	3 days	Removal	10 days	Removal	2 years
60. Unauthorized use of Sheriff's Department telephones	Verbal Reprimand	5 days	Written Reprimand	15 days	5 days	Removal	1 year
61. Unauthorized posting or removal of material from Sheriff's Department bulletin boards or the walls of any County Facility	Written Reprimand	5 days	3 days	30 days	10 days	Removal	1 year
62. Unauthorized use of a Sheriff's Department vehicle	1 day	10 days	3 days	Removal	15 days	Removal	1 year
63. Failing to report a violation of the Sheriff's Department rules and regulations by another employee	Written Reprimand	10 days	3 days	15 days	10 days	Removal	1 year
64. Engaging in disrespectful conduct or behavior directed toward the Sheriff or employee of the Sheriff's Department	Written Reprimand	5 days	1 day	15 days	10 days	Removal	1 year

CONDUCT - ON DUTY

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
65. Refusing to cooperate with an official search of the lockers, persons, or personal property of Sheriff's Department employees	Written Reprimand	5 days	3 days	15 days	10 days	Removal	2 years
66. Unauthorized possession of any Sheriff's Department key	3 days	15 days	10 days	Removal	Removal		2 years
67. Unauthorized duplication of any Sheriff's Department key	5 days	Removal	10 days	Removal	Removal		2 years
68. Unauthorized use of the Sheriff's Department computer or unauthorized possession of any print-out from such computer	3 days	10 days	5 days	20 days	15 days	Removal	2 years
69. Fighting with any person while on duty, other than using reasonable force to prevent injury to self or others, subdue an assailant, break up a fight between others, or prevent the escape of a suspect, prisoner in custody, or inmate of the jail	3 days	15 days	5 days	Removal	15 days	Removal	2 years
70. Any other act or failure to act which constitutes incompetency, inefficiency, dishonesty, immoral conduct, insubordination, discourteous treatment of the public, failure of good behavior or other misfeasance, malfeasance, or nonfeasance in office	Written Reprimand	Removal	1 day	Removal	5 days	Removal	2 years

Effective 8-1-80

OFF-DUTY CONDUCT

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
71. Committing acts which constitute a felony under the laws of the United States, the State of Ohio, or the state in which such acts were committed							N/A
72. Committing acts which constitute a misdemeanor, other than a minor traffic violation, under the laws of the United States, the State of Ohio, or the State or Municipality in which such acts were committed	Written Reprimand	Removal	15 days	Removal	30 days	Removal	3 years
73. Consuming or purchasing alcoholic beverages while wearing the full or partial uniform of a member of the Sheriff's Department	Written Reprimand	15 days	5 days	Removal	15 days	Removal	2 years
74. Engaging in off-duty employment or business without the permission of the Sheriff or at a time or in a manner other than that authorized by the Sheriff	Written Reprimand	5 days	5 days	Removal	15 days	Removal	2 years
75. Wearing the full or partial uniform of a member of the Sheriff's Department, except while traveling directly to or from work, or except as otherwise specifically authorized by the Sheriff	Written Reprimand	5 days	3 days	15 days	10 days	Removal	1 year
76. Engaging in disorderly, rowdy, or immoral conduct while readily identifiable as a member or employee of the Sheriff's Department	Written Reprimand	3 days	3 days	15 days	15 days	Removal	1 year

Effective 8-1-80

OFF-DUTY CONDUCT

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
77. Identifying yourself as a member or employee of the Sheriff's Department for the purpose of obtaining favors from others, personal gain or advantage, or avoidance of personal obligations, either for yourself or on behalf of another	Written Reprimand	Removal	10 days	Removal	15 days	Removal	2 years
78. Damaging, destroying, or otherwise failing to take appropriate care of any Sheriff's Department property or equipment entrusted to you or otherwise in your possession or under your control	Written Reprimand	15 days	10 days	30 days	15 days	Removal	2 years
79. Improper use or handling of firearms or other weapons	15 days	Removal	20 days	Removal	Removal		2 years
80. Owning, operating, possessing, or entering in or upon any privately-owned motor vehicle, knowing the same to be equipped with a siren, flashing or rotating red or blue lights, or otherwise marked or identified so as to create the impression that the same is an official police or Sheriff's Department vehicle, in the absence of specific, written authority from the Sheriff (This rule does not apply to the reasonable or necessary use of a privately-owned ambulance)	Written Reprimand	5 days	3 days	15 days	10 days	Removal	1 year

Effective 8-1-80

INMATE/PRISONER SECURITY

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
81. Unnecessary physical contact with a jail inmate or prisoner in custody	Written Reprimand	5 days	3 days	10 days	5 days	Removal	2 years
82. Excessive use of force directed toward a suspect, jail inmate, or prisoner in custody	15 days	Removal	Removal				3 years
83. Permitting an inmate or prisoner in custody to be more than 10 feet from and/or out of the direct line of vision of the Officer or Deputy charged with the custody of such inmate or prisoner, except when the inmate or prisoner is secured in a pod area, cell, "bull pen" or visitation room, and except when the inmate is secured and shackled in a Sheriff's Department vehicle operated by the Officer or Deputy	Written Reprimand	15 days	5 days	Removal	15 days	Removal	2 years
84. Teaching, instructing, or permitting any inmate or prisoner in custody to have knowledge or information relative to the job description or the security functions, operations, routine, or duties of the Sheriff's Department, except to the extent that such inmate or prisoner may gain such knowledge or information by normal observation	Written Reprimand	15 days	5 days	Removal	15 days	Removal	2 years
85. Permitting any inmate or prisoner in custody to perform any job function or responsibility, or any part thereof, of a Deputy or Officer of the Sheriff's Department	1 day	15 days	10 days	Removal	30 days	Removal	2 years
86. Discussing any policies, procedures, directives or personnel of the Sheriff's Department with an inmate or prisoner in custody	Written Reprimand	15 days	3 days	30 days	10 days	Removal	1 year

Effective 8-1-80

INMATE/PRISONER SECURITY

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
87. Discussing or giving any information relative to any inmate or prisoner in custody to any other inmate or prisoner in custody	Written Reprimand	15 days	3 days	30 days	10 days	Removal	1 year
88. Permitting any inmate or prisoner in custody to handle or possess any equipment, tool, or object belonging to or in the custody of the Sheriff's Department, except as may be specifically authorized	Written Reprimand	30 days	3 days	Removal	15 days	Removal	2 years
89. Allowing any inmate or prisoner in custody to supervise, control, or discipline any other inmate or prisoner in custody	3 days	30 days	10 days	Removal	Removal		2 years
90. Allowing any person who is not a Deputy or officer access to any secured, controlled, or unauthorized area, except as may be specifically authorized	Written Reprimand	30 days	3 days	Removal	15 days	Removal	2 years
91. Knowingly permitting any inmate or prisoner in custody to possess or have access to any materials defined as "Category A Contraband" by the Rules for the Regulation of the Cuyahoga County Jail	Removal						N/A
92. Negligently permitting any inmate or prisoner in custody to possess or have access to any materials defined as "Category A Contraband" by the Rules for the Regulation of the Cuyahoga County Jail	1 day	30 days	5 days	Removal	Removal		3 years

INMATE/PRISONER SECURITY

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
93. Knowingly permitting any inmate or prisoner in custody to possess or have access to any materials defined as "Category B Contraband" by the Rules for the Regulation of the Cuyahoga County Jail	10 days	Removal	Removal				3 years
94. Negligently permitting any inmate or prisoner in custody to possess or have access to any materials defined as "Category B Contraband" by the Rules for the Regulation of the Cuyahoga County Jail	Written Reprimand	20 days	3 days	Removal	10 days	Removal	2 years
95. Possession of Category A Contraband within the secured areas of the Correction Center	Removal						N/A
96. Possession of Category B Contraband within the secured areas of the Correction Center	5 days	Removal	Removal				3 years
97. Bringing into the confined areas of the Correction Center any radios, televisions, listening or viewing devices, newspapers, magazines, books, or any other reading matter or material or any metal or glass containers, whether empty or full	Verbal Reprimand	3 days	Written Reprimand	15 days	3 days	Removal	1 year
98. Negligently permitting the escape or attempted escape of a suspect, inmate or prisoner in custody	5 days	Removal	Removal				3 years
99. Aiding, abetting, assisting, or knowingly permitting or facilitating the escape or attempted escape of a suspect, inmate, or prisoner in custody	Removal						N/A



Bob Reid
Cuyahoga County Sheriff

February 23, 2010

Re: Amendment to the Standard Schedule of Disciplinary Offenses

To all Corrections Center Employees & other Employees of the Sheriff's Office:

Effective February 28, 2010, please be advised that "The Standard Schedule of Disciplinary Offenses and Penalties for Employees of the Cuyahoga County Sheriff's Department" will be expanded to include new Rule # 95.5. This rule is being incorporated to address and clarify the issue of unapproved cell phones being conveyed into the secure confines of the Correction Center. (Please note that all union leaders were notified of this action via letter dated February 16, 2010.)

There have been an increased number of disciplinary actions that have occurred in the recent past involving cell phone possession and usage by employees working in the Correction Center. This is a matter of utmost importance relative to safety and security. A cell phone in the hands of an inmate becomes as potentially lethal as a weapon inasmuch as it allows unfettered access to the "outside", thereby potentially compromising safety and security measures in place for the protection of inmates, employees and the public. Since there are no rules directly addressing the issue, and for purposes of notice and clarification, this new rule is being implemented. It does NOT change the existing policy prohibiting cell phones.

ALL cell phones, unless authorized in writing by a member of the Jail's Executive Staff (i.e. Director of Corrections, Wardens and Associate Wardens), are expressly prohibited within the secure confines of the Correction Center by any employee of the Cuyahoga County Sheriff's Office. Introduction of a cell phone shall therefore be subject to Rule # 95.5, which reads as follows:

"Possession of a cell phone within the secure confines of the Correction Center without prior written approval of the Wardens or their designee shall be considered conveyance of contraband."

The range of penalties for violation of this rule is as follows:

First Offense:	Written Reprimand to Ten (10) days
Second Offense:	Five (5) days to Fifteen (15) days
Third Offense:	Removal

Reckoning Period: Two (2) years


Bob Reid, Sheriff

INMATE/PRISONER SECURITY

	<u>First Offense</u>		<u>Second Offense</u>		<u>Third Offense</u>		<u>Reckoning Period</u>
	<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>	
100. Leaving or abandoning an assigned post or duty station without being relieved by another Deputy or Officer (including at the end of a shift)	3 days	Removal	10 days	Removal	Removal		2 years
101. Permitting any clothing other than jail uniform to be made available to an inmate, except as specifically authorized	Written Reprimand	5 days	3 days	15 days	10 days	Removal	2 years
102. While on any duty outside of the Correction Center, leaving an inmate or prisoner in the sole custody of a Deputy or Officer of the opposite sex of such Deputy or Officer	Written Reprimand	5 days	3 days	15 days	10 days	Removal	2 years
103. While on duty in the County Jail, failing to make and report inmate counts in the manner prescribed by Sheriff's Department Policy and Procedure Directive No. 1.09.07, issued 6-23-77	Written Reprimand	5 days	1 day	15 days	5 days	Removal	2 years
104. While on duty in the County Jail, failing to make and report watch calls in the manner prescribed by Sheriff's Department Policy and Procedure Directive No. 1.09.02, issued 6-16-77	Written Reprimand	5 days	1 day	15 days	5 days	Removal	2 years
105. While on duty at the Cuyahoga County Hospital (Metro), or any other Hospital, where an inmate is confined, failing to telephone the Sheriff's Department Radio Room at the time of the change of shift and hourly thereafter to report security status	Written Reprimand	5 days	1 day	15 days	5 days	Removal	2 years
106. Giving or permitting any special treatment or favors to inmates or prisoners without the specific approval of the Sheriff	Written Reprimand	10 days	5 days	Removal	10 days	Removal	2 years

Effective 8-1-80

POLICY AND PROCEDURE DIRECTIVE NUMBER 1.09.02

SUBJECT: Watch Calls

1. AUTHORITY:

Policy and Procedure Directive: "POLICY AND PROCEDURE DIRECTIVES", 1.01.01, Dated: 5-3-77

- 2. PURPOSE:** To outline a procedure which will aid in the management of the Corrections Center during the hours of darkness and help assure that employees on the shift are safe and on-the-job.
- 3. POLICY:** It is the policy of the Cuyahoga County Corrections Center that procedures designed to aid in the management of the Center and to aid in establishing the security and welfare of personnel during hours of darkness will be formulated and placed in effect.
- 4. WATCH CALLS:** A watch call system will be established within the Center between the hours of 9:00 P.M. and 5:00 A.M. These watch calls will aid the Shift Supervisor in establishing that all employees within the Center are safe, secure, and on-the-job during these critical hours. Procedures will be as follows:
- a. Commencing at 9:00 P.M. each night all posts listed on Watch Call Record Sheet will call the Master Control Center, either by telephone or radio, stating his/her name and post location, and giving some indication if all is or is not well on the post. This procedure will be performed every half-hour until 5:00 A.M. when the calls will cease.
 - b. The Master Control Center officers on the 3:30 P.M. to 11:30 P.M. and 11:30 P.M. to 7:30 A.M. shifts will record these calls on the Watch Call Record Sheet. NOTE: If a post misses the watch call by ten (10) minutes, the Shift Supervisor will be notified and he will investigate as to the cause of the delay. These calls are important and employees who form a chronic habit of missing these calls will be reported to the Chief of Security for possible disciplinary action.
 - c. The Watch Call Record Sheet will be forwarded to the Warden's Office when completed each day to be filed for fifteen (15) days and then destroyed. A record of all missed watch calls and the reason therefore shall be permanently kept for one (1) year.
- 5. INITIATING DEPARTMENT:** Cuyahoga County Sheriff's Department

POLICY AND PROCEDURE DIRECTIVE NUMBER 1.09.07

SUBJECT: Inmate Counts

1. AUTHORITY:

Rules for the Regulation of the Cuyahoga County Jail--Common Pleas Court, Cuyahoga County, Ohio, May, 1976.

Policy and Procedure Directive: "POLICY AND PROCEDURE DIRECTIVES", 1.01.02, Revised, Dated: 6-16-77

2. PURPOSE:

To set forth the requirements for inmate counts as mandated by the Cuyahoga County Common Pleas Court, May, 1976, and to promulgate a formal and informal system of counts and census checks to ensure around-the-clock accountability of all inmates within the Center.

3. POLICY:

It is the policy of the Cuyahoga County Corrections Center to conduct at least four (4) official counts within each twenty-four (24) hour period to ensure proper accountability of incarcerated inmates. These counts shall be recorded and signed by a supervisor and kept on file for a period of fifteen (15) days and then destroyed. Informal census checks by each officer supervising inmates is required at the discretion of the officer.

4. BASIC PRINCIPLES OF COUNTING WITHIN THE CENTER:

- a. The basic formal count system within the Corrections Center provides for four (4) official counts within each twenty-four (24) hour period. These counts are to be held at 0000, 0500, 1230 and 2130 hours each day. These count times are arranged to provide as little interference as possible with the daily work, court, and activities schedules of the Center and still ensure proper accountability of all inmates.
- b. Informal, irregular counts, or census checks, will be made by all employees supervising inmates, to verify that all inmates in his/her charge are present. Counts of this kind are made while inmates are working, engaged in daily living activities within the housing unit, or engaged in recreational or other activities. These counts are reported only when an inmate is missing.
- c. The Master Count is maintained by computer operations located in the main booking area of the Center. The Computer Operator must be provided with up-to-the-minute information on inmate flow and the information must be recorded accurately and promptly.
- d. While counting, officers should allow nothing short of an emergency to distract them.
- e. There will be no movement of inmates during official, formal counts.

- f. Counts in such areas as Clothing Issue, Laundry, or Food Service or other open type units, must never be made by one (1) officer. Inmates will be placed in a double-line, no talking or movement will be permitted. One officer will count while a second officer stands in a position to observe any movement of inmates. It is a relatively simple matter for an inmate to shift from one location or another and thus be counted twice.
- g. Numerous escapes have been affected by the skillful use of dummies. Officers will be positive they see a human body before counting an inmate.
- h. Officers making a count will remain in the areas counted until the count is verified. **EXCEPTION:** A back-up officer for a counting officer may have to be a back-up officer for several counting officers. This officer will have to leave each counting area except the last one counted.
- i. When making night counts, flashlights should be used judiciously, but enough light should be thrown on the inmate to leave no doubt as to whether a dummy is being counted. The officer must be certain of seeing flesh in all cases rather than counting an inmate on the basis of seeing any part of his clothing, his hair, or his shoes. **NOTE: Do not accept a substitute for a living, breathing body.**
- j. An up-to-the-minute count record must be maintained in the computer at all times.
- k. Each count must be made accurately and promptly. If there is any doubt in your mind as to the correctness of the count, count again. See the inmate you count. Never rely on a roll call or count number of meals served.
- l. The count must be regarded as a mutual responsibility--of the officer and the inmate.
- m. The Corrections Center count, in the final analysis, depends entirely upon the accuracy of every employee who actively makes or takes a count. Trustees or other inmates will not participate in a count.

5. **OFFICIAL, FORMAL COUNTS:** As stated in Paragraph 4a, above, official, formal counts will be made within the Center at 0000, 0500, 1230 and 2130 each twenty-four (24) hours. At these times all inmates are counted simultaneously, each inmate is counted at a specific location and all movement of inmates ceases fifteen (15) minutes before the count starts and remains that way until the total institution count is cleared and correct. A report of each count is telephoned to the Master Control Supervisor where all reports are checked and coordinated to verify that the total Center count is correct and all inmates are present. Each officer telephoning a count to the Master Control Supervisor will, immediately after telephoning in his count, prepare a "Count Slip" and will forward this slip to the Master Control Supervisor for written verification of the telephone count. The counting officer will then stand-by in his count area, permitting no movement of inmates out of the count area, until the Master Control Supervisor announces the count as clear and correct.

- a. Booking/Processing Supervisor: Fifteen (15) minutes before each count all movement of inmates into and out of the Corrections Center will cease. No changes in count location of any inmate will be made fifteen (15) minutes prior to each count. EXCEPTION: Emergencies may necessitate the movement of inmates during this time. These movements must be kept to a minimum and reported to Master Control immediately for count adjustment. At this time the Booking/Processing Supervisor will obtain the correct Count Sheet Print-Out from the computer and will deliver this sheet to the Master Control Center.
- b. Master Control Supervisor: The Master Control Supervisor will receive the Count Sheet Print-Out from the Booking/Processing Supervisor fifteen (15) minutes before time of the official, formal count. The Supervisor will prepare to take the count, by telephone, from each area of the Center where inmates are housed or working. As each area reports their count correctly it will be checked off on the sheet. Outcounts, i.e., Food Service, Laundry, etc., will be added at the bottom of the Count Sheet Print-Out so that a correct Center count can be totaled. Areas calling in incorrect counts will be required to count again, and if the count remains incorrect after the second count, assistance will be sent to the count area to help with the count and the computer will be checked to ascertain that all inmate movements have been entered. NOTE: No erasures will be permitted on the Count Sheet Print-Out. Clearly visible strike-outs only will be permitted.

After the count has been completely verified by the written Count Slips, the Master Control Supervisor will clear the total Center count and normal Center movement will resume. The Master Control Supervisor will sign the Count Sheet, attach the Count Slips and will file this sheet for fifteen (15) days after which it should be destroyed.

- c. Count Slips: Count Slips will be prepared and forwarded to the Master Control Supervisor by each employee making and reporting a count. These slips will not be accepted by the Supervisor if they are incorrectly filled-out or have erasures, strike-outs, or alterations of any kind on them. The officer making the count will sign the Count Slip along with any back-up officer that may be involved with the particular count.
6. CENSUS CHECKS: This is a frequent, but irregular check made by an officer to verify that all inmates in his/her charge are present. They are made during hours of darkness and between official counts. In the case of work crews a count is made when the crew assembles for work, at frequent intervals during the work period, and when the crew is dismissed at the end of the work period. A report of this count is made only when an inmate is ascertained to be missing.
7. HOUSING UNIT COUNTS: In the Corrections Center all inmates, with the exception of the Cleveland Holding Area, have their individual cell or room. When counting in these areas of individual rooms, each inmate must be in his/her room, facing the door for counts during daylight hours. At night when the inmates are in bed, the officer must be sure he sees the inmate and not a dummy in the bed. Seeing "living, breathing flesh" is a must in making accurate counts. Do not count the backs of heads or shoulders, be suspicious of inmates wearing bathrobes, or having handkerchiefs or bath towels around their heads or necks, or are completely covered while in bed.

a. Cleveland Holding Area Counts: This area is composed of "open" living areas and rooms. In the "open" areas, all inmates will be placed on their beds for all counts. One officer will count while a back-up officer observes to be sure no inmate shifts locations and is not counted twice.

8. TRANSPORTATION COUNTS: Corrections Officers may be assigned duties transporting inmates between institutions or to and from hospitals. In this event, observe the following:

a. When seating inmates in buses or trucks, make a roll call type of count. The inmates are lined up and as their names are called, they pass the officer and board the vehicle. Another count must be taken when all are seated. This count should be repeated whenever the vehicle stops and taken when it starts.

b. It is essential for any officers transporting inmates to have a picture and description of each inmate being transported. With the initial count of inmates prior to the trip and with the use of the pictures, all inmates can be readily accounted for and identified.

9. EMERGENCY COUNTS: An emergency count is an official count taken at other than one of the times specified for a regular official count. If there is reason to believe that an inmate is missing, it may be necessary to take a count to determine who and how many are gone. After a major disturbance is under control, a count must be taken to determine that no one has escaped or is in hiding. The Computer must be ready at all times to produce an up-to-the-minute count sheet for use in this instance. At these times all inmates will be returned to their respective housing units for count.

10. SUMMARY The Corrections Officer has PRIMARY RESPONSIBILITY for the completion of an accurate count. The officer must know the specific manner of counting inmates in different types of locations, i.e., a housing unit, an open-type area, and in a work area. He/she must also know the type of mistakes to be avoided in counting inmates.

The officer must know the importance of making counts accurately and promptly. He/she must also foster inmate acceptance of the count as an institutional procedure.

The officer must also develop skill in the counting of inmates accurately by the method most adaptable to the location and conditions, and must always possess verification of the inmates being counted.

11. INITIATING DEPARTMENT: Cuyahoga County Sheriff's Department.

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CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. GENERAL ORDER 80-6

1-25 37

DATE September 4, 1980

FROM Sheriff Gerald T. McFaul TO All Employees

SUBJECT Standard Schedule of Disciplinary Offenses and Penalties for Employees of the Cuyahoga County Sheriff's Department; Amendment of Rule No. 11 and Rule No. 97

COPIES TO Enactment of Rule No. 107

Effective September 18, 1980, Rule No. 11 and Rule No. 97 of the Standard Schedule of Disciplinary Offenses and Penalties for Employees of the Cuyahoga County Sheriff's Department are AMENDED as shown on the attached sheet.

Effective September 18, 1980, Rule No. 107 of the Standard Schedule of Disciplinary Offenses and Penalties for Employees of the Cuyahoga County Sheriff's Department is ENACTED and added as shown on the attached sheet.

GTMc:jk


SHERIFF GERALD T. MCFAUL

	First Offense		Second Offense		Third Offense		Reckoning Period
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	
11. Unexcused failure to punch time card or sign time sheet	Written Reprimand	5 days	3 days	15 days	10 days	Removal	1 year
97. Having possession or control of any food, beverages, radios, televisions, listening or viewing devices, newspapers, magazines, books, or any other reading matter or material, or any metal or glass containers, whether empty or full, within the confined areas of the Correction Center, or bringing or attempting to bring any of the same into the confined areas of the Correction Center, except as may be specifically authorized.	Verbal Reprimand	3 days	Written Reprimand	15 days	3 days	Removal	1 year
107. Having possession or control of any food, beverages, firearms, weapons, or Category A Contraband in the Correction Officer roll call room, locker room, or training area, or bringing or attempting to bring any of the same into the Correction Officer roll call room, locker room, or training area.	Verbal Reprimand	3 days	Written Reprimand	15 days	3 days	Removal	1 year

Effective September 4, 1980

GUYAHOGA COUNTY SHERIFF'S OFFICE

C/S 35

FILE NO. GENERAL ORDER 81-3

DATE June 15, 19 81

FROM Sheriff Gerald T. McFaul TO All Employees

SUBJECT Enactment of New Rule 80.5

COPIES TO

Effective June 22, 1981, Rule No. 80.5 of the Standard Schedule of Disciplinary Offenses and Penalties for Employees of the Cuyahoga County Sheriff's Department is ENACTED as an off-duty rule as shown on the attached sheet.


GERALD T. McFAUL, SHERIFF

80.5 Violating any rule of the Standard Schedule of Disciplinary Offenses and Penalties for Employees of the Cuyahoga County Sheriff's Department while off duty and while within any portion of the premises of the Cuyahoga County Correction Center, including secured and unsecured areas, the Sheriff's Department administrative offices, and the public hallways adjacent thereto.

Minimum and Maximum penalties for each offense shall be governed by the corresponding on-duty rule

Effective June 22, 1981

