



<p style="text-align: center;">VIENNA POLICE DEPARTMENT</p>  <p style="text-align: center;">GENERAL ORDERS</p>	<p>SUBJECT: GENERAL ORDERS</p>		<p>NUMBER: 400</p>
	<p>EFFECTIVE DATE: August 15, 2022</p>	<p>REVIEW DATE: August 2024</p>	
	<p>TOPICS: EMPLOYEE RELATIONS</p>		
<p>CHIEF'S SIGNATURE: <i>James A. Moran</i></p>		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces <input checked="" type="checkbox"/> Revised	
<p>ACCREDITATION STANDARDS:</p>	<p>CALEA:</p>		
	<p>VLEPSC:</p>		

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401 RECRUITMENT AND HIRING

The Vienna Police Department along with the Human Resources Department will maintain an active recruitment program to attract applicants for actual or forecasted departmental vacancies. One of the highest priorities of the Vienna Police Department is to provide quality service through quality personnel hiring practices. The recruitment program will ensure that a list of qualified applicants is on file to fill personnel vacancies as quickly as possible and ensure the authorized personnel strength of the Department is maintained. The recruitment program will be conducted in a manner that is consistent with Equal Employment Opportunity (EEO) regulations. To ensure job relevancy, the Department's recruitment strategies and procedures will be based on a detailed analysis of the nature of the job to be performed, the knowledge, skills, and training required to perform the job tasks, and prerequisite personal attributes. This also will be the responsibility of the Human Resources Department.


402 HIRING OFFICER / BACKGROUND INVESTIGATOR

Personnel assigned to the position of hiring officer / background investigator will be trained by the Human Resources Department in the following:

1. The Department's recruitment needs and commitments;
2. The Department's career opportunities, salaries, benefits and training;
3. EEO and Civil Service compliance guidelines;
4. The Town and its needs, including demographic data, community organizations and educational institutions;
5. Cultural awareness of different ethnic groups;
6. Techniques of an informal record-keeping systems for tracking candidates;
7. The different components of the screening and selection process;
8. The characteristics that may disqualify candidates.

403 PROBATIONARY REPORTS

- A. Police Officers. Field Training will be coordinated by the Operations Commander. Daily observations reports, weekly performance evaluation reports, and monthly performance evaluation reports will be completed for all officers during their field training by their Field Training Instructor and their immediate supervisor. Once probationary officers complete their field training, a performance evaluation report will be completed by their immediate supervisor monthly during their probationary period as stated in the Field Training Manual.
- B. Civilian Employees. All civilian employees will participate in training to prepare them for the responsibilities of their position. A performance evaluation report will be completed by their immediate supervisor at least bi-monthly during their probationary period.

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404 PERFORMANCE EVALUATIONS

The performance evaluation system provides a standard format which is used by a supervisor to assess the conduct of and work performed by an employee for their permanent record. The Human Resources Department will coordinate the performance evaluation system. Evaluation forms and the Personnel Action forms will be issued by the Human Resources Department. These directives will include:


1. Measurement definitions;
2. Procedures for use of forms;
3. Evaluator responsibilities.

405 PERFORMANCE CRITERIA/RATING PERIOD

- A. The employee's performance will be rated only for the period of time listed on the face of the performance evaluation form. The criteria used to form the basis of the employee's performance evaluation will reflect the tasks which the employee performs relative to the job description of their position. The Human Resources Department will ensure the performance evaluation form used for a particular employee will match their job classification.
- B. Vienna Police Department personnel will be given written performance evaluations annually. An employee may be evaluated more often for good reason and with the approval of the Chief of Police. The actual dates covered by the evaluation will be listed on the face of the performance evaluation form.

406 UNSATISFACTORY PERFORMANCE

- A. Personnel shall be notified in writing by their supervisor if their performance is unsatisfactory and the notification must be given at least 90 days prior to the end of the rating period. This notice should include reasons for the unsatisfactory appraisal and suggest measures that should be taken to improve the employee's performance. The notification must be approved by the Chief of Police through the chain of command prior to issuance. If no improvement is made by the end of the rating period, this information should be included in the employee's performance evaluation.
- B. Narrative Explanations: Performance ratings in any specific performance area which are improving or declining will be detailed by a narration in the "Comments" section of the performance evaluation form.


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407 SUPERVISORY EVALUATION REVIEW

Prior to being given to the evaluated employee, the performance evaluation report will be reviewed by the evaluator's supervisor and forwarded to the Chief of Police through the chain of command. The Chief of Police will be the final reviewing authority. The reviewer and the evaluator should discuss the results of the performance evaluation prior to the presentation of these ratings to the employee. In cases where there is disagreement, the reviewer will discuss the discrepancy with the evaluator and reach an agreement on the appropriate evaluation ratings prior to the presentation of these ratings to the employee. If an agreement cannot be reached, the reviewer has the authority to change ratings or make comments on the evaluation form and reflect a new overall rating. Before a reviewer makes a rating change, the Chief of Police will be consulted. If the Chief of Police is the evaluator doing an employee's initial evaluation, no review is required. The Chief of Police is evaluated by the Town Manager.

408 EMPLOYEE EVALUATION REVIEW

- A. The Town of Vienna requires all supervisors to meet with each employee at the beginning of the rating period to develop an initial agreement, related to pre-established job factors or objectives, which addresses the work which both agree can be accomplished during the rating period.
- B. Evaluations will be completed by the employee's immediate supervisor. If the employee has had more than one supervisor during a rating period, the evaluator shall confer with the previous supervisor(s) prior to completing the performance evaluation.
- C. After the performance evaluation form has been reviewed according to General Order 400, the performance evaluation will be discussed by the employee and the evaluator. This discussion is a key element in the performance evaluation process. It provides an opportunity for a constructive exchange of information about the employee's performance in relation to their position. The evaluator must explain to the employee what was taken into consideration in making the evaluation. Specific examples of performance should be discussed in detail. The employee should be commended for work well done and suggestions for improvement should be specified. This discussion will also provide the supervisor with an opportunity for career counseling. Because the performance evaluation is a key component when considering employees for training, specialization, and advancement, the supervisor should address these issues during the performance evaluation discussion.
- D. After the performance evaluation form has been discussed with the employee, the employee will be asked to sign the evaluation. The employee's signature indicates that the evaluation has been reviewed and does not necessarily indicate that the employee agrees with the evaluation.

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409 EVALUATION WRITTEN RESPONSE

Employees may comment regarding their performance evaluation by filing a written attachment. This attachment may include suggestions for improved performance, ways to improve the overall operations of the section, division, or Department, and concurrence or disagreement with the evaluation.

410 DISTRIBUTION OF PERFORMANCE EVALUATION

The completed performance evaluation form is sent to the Director of the Human Resources Department for filing in the employee's personnel file. The Human Resources Department will send a copy of the form back to the Police Department. The Department will retain a copy in the employee's departmental file and forward a copy to the employee.

411 SUPERVISORY EVALUATION REVIEW


Contested performance evaluations will be reviewed through the chain of command to the Chief of Police. This review is not a formal grievance because performance evaluations are not subject to the grievance process, rather this review process will enable the employee to go beyond the review of their immediate supervisor. The Chief of Police is empowered with the final decision in this process.

412 EVALUATOR'S PERFORMANCE

As part of the annual performance evaluation, supervisors will be rated on their ability to fairly evaluate and provide guidance and counseling to their subordinates. When performance evaluations are reviewed by the evaluator's supervisor, the reviewer shall ensure that comments and ratings are consistent, uniform with other evaluations, and complete.

413 PROMOTION PROCESS, ELIGIBILITY LISTS, PROBATION

- A. The evaluation of personnel for promotion begins with the overall performance of the employee throughout their career. Education, training, disciplinary history and willingness to take on responsibility will be key factors considered along with their performance in the promotional examination.
- B. Assessment centers, when utilized, will be based on a written and/or oral job task analysis which will assist in establishing the dimensions, attributes, characteristics, qualities, skills, abilities or knowledge necessary for the position. Upon request, the incumbent will be provided with feedback on their performance in the assessment center process.

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- C. The promotional process for the ranks of lieutenant and captain will consist of a process consistent with modern police practices, and will be determined by the Chief of Police. These processes may include internal and external recruitment when necessary to ensure a sufficient applicant pool. External recruitment, if warranted, must be approved by the Town Manager.
- D. Prior to the appointment of officers to probationary status, the Chief of Police will meet with promoted personnel to apprise them of the conditions of probationary status.

414 PROMOTIONAL OPPORTUNITY ANNOUNCEMENTS

- A. When a decision is made to establish an eligibility list for the rank of sergeant, lieutenant, or captain, an announcement will be posted and distributed to all eligible personnel. The announcement will include:
 - 1. A description of the position or job classification for which the vacancy exists;
 - 2. A description of eligibility requirements;
 - 3. A description of the process to be used in selecting personnel for the vacancy.
 Candidates participating in the promotional process will be provided with a schedule of dates, times and locations as well as a description of all elements to be included in the process.
- B. The description of the promotional process will be as detailed as necessary to clearly indicate what is to be expected.


415 PROBATION AFTER PROMOTION

All promotions are tentative and subject to a twelve-month probationary period for civilian and police personnel.

416 ELIGIBILITY LISTS

Criteria and procedures for developing eligibility lists for promotional purposes will be established by Human Resources Department and the Chief of Police. The criteria and procedures are as follows:

- A. The relative value of each part of a promotional examination will be determined by the Chief of Police;
- B. Once candidates successfully complete all requirements of the promotional process, their names will be placed on a qualified list. Participants will be notified in writing of their eligibility status by the Chief of Police. Individual numerical scores will be confidential.
- C. The final rating will be determined by the total of the scores received by each applicant for each part of the examination, based on the relative value assigned. In the event of a vacancy,

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the top five names on the qualified list will be placed on a certified list for further consideration. The Chief of Police may request additional information from candidates and or command staff prior to selecting from the certified list. The Chief may select any of the five qualified candidates based on all the identified criteria outlined in General Order 413-A. Promotional lists will routinely be in effect for two years. The Chief of Police may at his/her discretion, extend such lists for a third year.

1. To be eligible for promotion to the rank of sergeant, the incumbent must have four years of experience as a Vienna Police officer. To be eligible for promotion to the rank of lieutenant or captain, the incumbent must hold the rank of sergeant with at least 10 years total law enforcement experience. Candidates who possess significant relevant experience in law enforcement position(s) outside of the Vienna Police Department may be considered at the discretion of the Chief of Police. This action must be approved by the Town Manager.
 2. An individual not meeting the seniority requirement for promotion may sit for a promotional exam if they are an incumbent in the class of employees eligible to sit for the test. However, they would not be eligible for promotion and would not be listed on the certified list until completion of the seniority requirements.
- D. Eligibility for promotion/selection for the rank of captain will be determined by the Chief of Police.
- E. Promotions will be announced in memorandum form and the effective date of promotion will be indicated.

417 INTERNAL AFFAIRS

Internal Affairs is established to ensure the integrity of the Vienna Police Department is maintained through an internal system where objectivity, fairness and justice are assured by impartial investigations. These investigations are to clear the innocent, establish guilt when applicable, and facilitate fair, suitable, and consistent disciplinary action.


- A. The Department will fully investigate verbal or written allegations of misconduct. Complaints may originate internally or from the public.
- B. Supervisors have the responsibility and authority to investigate complaints of minor employee misconduct. Supervisory or command personnel will initiate investigations into observed infractions or complaints received which fall within the scope of their authority. These may include:
 1. General complaints concerning minor infractions of regulations or the manner in which employee duties are performed.
 2. Complaints relative to differences of opinion between an employee and a citizen arising from the performance of duty;

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3. Complaints concerning the manner or method in which an employee investigated a crime, traffic accident or service incident.
 4. Complaints concerning an officer's authority to arrest or the propriety of a particular charge.
- C. All complaints shall be reviewed by the appropriate Commander who shall forward the results to the Chief of Police;
- D. Complaints alleging serious misconduct or criminal activity shall be investigated by Internal Affairs. Prior to instituting an investigation into criminal or potentially criminal activity, consideration must be given to preserving the opportunity to proceed with a criminal prosecution. If a criminal prosecution is anticipated then the criminal case shall take precedence.
- E. The Internal Affairs function will be the responsibility of a person at the rank of sergeant or greater assigned by the Chief of Police. On matters involving internal investigations the incumbent will report directly to the Chief of Police.
- F. Upon receipt of an allegation of employee misconduct the investigative authority shall obtain an Internal Affairs investigation control number from the Chief of Police. If an allegation of misconduct is extremely serious in nature, the Section Commander of the employee and the Chief of Police shall be notified immediately by the investigating supervisor.

418 CONDUCTING AN INTERNAL INVESTIGATION

- A. The Department will investigate complaints against the Department or its employees. Deliberately false or malicious accusations will be fully investigated to protect the integrity of the Department and its employees. Citizens will be assisted in making a complaint and will be provided with a Citizen Complaint Form when necessary. Supervisors are encouraged to resolve minor complaints by reviewing the information readily available and offering a professional explanation about the officer's actions. If the complainant is satisfied with the informal response, no further action is required.
- B. Internal investigations should be completed within 30 days of receipt, unless circumstances develop which necessitate additional time to ensure a thorough investigation. If the investigation extends beyond the 30-day limit, the investigating official shall notify the complainant of the case status. The Chief of Police shall receive status reports every seven days during internal investigations.

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- C. The Chief of Police will be advised by the investigating officer of new information developed during the course of an internal investigation which may necessitate reassigning the accused employee. The reassignment may be to duties that would ensure closer supervision or separation from the public or other employees, or for relieving the accused employee from duty or placing the employee on administrative leave.
- D. When there is sufficient evidence to indicate that the act complained of is immoral, indecent, involves the physical mistreatment of another person, or when the accused employee has consumed intoxicants, the employee shall be relieved from duty immediately.
- E. When the act complained of is a crime that may have resulted in an arrest if the perpetrator had been a private citizen, the Chief of Police shall be consulted. The Chief of Police and the investigating officer shall confer with the Commonwealth's Attorney whenever an internal investigation reveals the possibility that an employee is or has been involved in criminal conduct. If it is necessary to obtain an arrest warrant for an employee, the Chief of Police will be notified without delay. If a complainant seeks a warrant for a police officer, that officer's Commander will consult with the complainant and request a delay so that a departmental investigation may be conducted. If the complainant declines to permit a delay in the issuance of a warrant, the Commander will ask the Commonwealth's Attorney for a delay to permit the departmental investigation. If the warrant has already been issued, the officer or employee who has the warrant will notify their division commander. This commander will notify the Commonwealth's Attorney prior to serving the warrant.
- F. The accused employee shall submit a memorandum setting forth their statement of what occurred. In lieu of the foregoing, the investigating authority may take a statement from the accused which may be recorded for later transcription. If in the opinion of the investigating authority statements from witnesses would be helpful in the investigation, witnesses will be asked to provide a written narration of the events or be asked to provide a recorded statement. Any questioning of an officer shall take place at a reasonable time and place, as designated by the investigating authority and without jeopardizing the timeliness of the investigation. When possible the employee shall be on duty.
- G. The administrative investigation shall be conducted in accordance with the Supervisor's Manual for Conducting Administrative Investigations.
- H. Upon completion of an internal investigation, it shall be classified as:
1. Unfounded - The allegation is false;
 2. In-Compliance - The incident complained of occurred, but was lawful and proper;
 3. Not Sustained - Insufficient evidence exists to either prove or disprove the allegation;
 4. Sustained - The allegation is supported by sufficient evidence. Only findings in this category will be included in the employee's personnel file. Findings of a sustained violation will result in appropriate corrective measures.

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- I. The final report of the internal investigation will be in the form of a memorandum to the Chief of Police. The document shall include a summary, findings and conclusion. The report shall follow established reporting format for internal investigations. The original complaint will be forwarded to the Chief of Police along with the memorandum. The report shall include:
 - 1. Classification of the allegation;
 - 2. When sustained, a statement of the regulation violated and the nature of the violation;
 - 3. A statement indicating whether there are any violations of a similar nature sustained in the last three years.
- J. Final reports will not be delayed due to pending court action.
- K. Individuals conducting internal investigations will not notify the complainant of the results of the investigation. Complainants will be notified of the results by letter from the Chief of Police or his/her designee.

419 EMPLOYEE NOTIFICATION OF INTERNAL AFFAIRS INVESTIGATION

- A. An employee who becomes the subject of an internal investigation shall be notified of the existence of the investigation and the employee's rights and responsibilities relative to the investigation. This notification shall be made by the person conducting the investigation and shall include the nature of the investigation, the name and rank of the investigating officer, and the identity of any other individuals who will be present during questioning. The Notice of Investigation, shall be used to make the forgoing notification. Notification may be delayed if in the opinion of the investigating authority, notifying the employee may jeopardize the ability to conduct a thorough investigation. An example when notification may be delayed would be when an investigation requires follow-up such as surveillance, which would be ineffective if the subject of the investigation were notified.
- B. Each employee of the Department shall cooperate fully with personnel who are conducting an internal investigation.
- C. It is the responsibility of all employees to answer fully and truthfully any question asked by competent authority that pertains to any investigation, possible infraction of law or regulation, or action taken by the employee that may affect the standing or reputation of the Vienna Police Department.
- D. During the course of an internal investigation, employees do not have the right to refuse to answer any question concerning their performance of duty or their adherence to departmental rules and regulations. Admissions by the employee cannot be used in any subsequent criminal prosecution about the event being investigated. As soon as it appears the investigation may lead to a criminal prosecution, the concerned employee will be advised of certain rights as required by law.

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420 INTERNAL AFFAIRS INVESTIGATION EXAMINATIONS AND TESTING


- A. An officer will be required to disclose financial information only when such information is necessary and in accordance with the Code of Virginia, 9.1-503, "Personal Assets of Officer."
- B. If, during the course of an internal investigation, the investigating officer determines cause exists to justify an employee's submission to a medical, physical, psychiatric, laboratory, or polygraph examination, the employee shall submit to such test or exam. These tests may include breathalyzer, blood, or urine tests, the taking of photographs or attendance at physical lineups, the submitting of voice or handwriting samples, or the taking of polygraph examinations. The division commander supervising the investigation will be responsible for consulting with the Chief of Police for approval for such tests or exams, except in cases where a time delay would directly affect the outcome of the test such as a test for blood alcohol content. If the Chief of Police is unavailable, the appointed designee shall be consulted.
- C. Testing blood or urine specimens to determine whether sworn employees have used drugs or alcohol shall be in accordance with The Code of Virginia, 9.1-501, "Conduct of Investigation."

421 RELIEF FROM DUTY

- A. Any sworn supervisor may relieve from duty immediately any sworn or civilian employee of subordinate rank, regardless of the organizational assignment of either party, when it appears such action is essential to protect the interests of the Department. The period of relief shall continue until a hearing is held with the Deputy Chief. This hearing shall occur within 3 business days of the relief. The relieved employee shall remain in an on-call status during this period. A civilian employee may be relieved from duty by any supervisor, sworn or civilian.
- B. A supervisor who relieves from duty any employee shall complete a memorandum setting forth full details of the incident including the date and time of relief and the alleged violation which resulted in the relief. The memorandum shall be submitted through the chain of command to the Chief of Police within 24 hours. A separate memorandum shall be given to the relieved employee prior to departure from duty. This memorandum will describe the nature of the allegation and list all equipment removed from the relieved employee and serve as a receipt for equipment relinquished. An employee relieved from duty shall relinquish their issued weapon, credentials and badge. The memorandum shall further serve as notice to the employee that they are relieved from duty and that all police authority is suspended as provided for herein. Copies of these memoranda shall be forwarded to the appropriate division commander.

A completed Notification of Allegations shall accompany the employee's notification memorandum.

- C. When an employee is relieved from duty all police authority is suspended until reinstated.

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- D. The Deputy Chief of Police will notify the relieved employee of the findings within two business days of completion of the hearing.
- E. Procedures pertaining to relief from duty are not to be considered solely of a disciplinary nature. These procedures shall also apply to administrative actions, such as investigations into the use of deadly force. Employees who are relieved from duty shall be placed on administrative leave until a disposition has been reached by the Chief of Police.

422 INTERNAL AFFAIRS ACTIVITIES

- A. Internal Affairs Control Log.
 - 1. All investigations will be assigned a control number from the Internal Affairs Control Log. The Chief of Police shall maintain this ledger. The log will list:
 - a. Control number;
 - b. Date and nature of complaint;
 - c. Name of investigator;
 - d. Nature of action taken.
- B. Division commanders shall direct all investigations conducted by personnel within their respective commands. The Chief of Police or a designee shall supervise investigations conducted by the Internal Affairs Section.
- C. All Internal Affairs records shall be considered confidential. The Deputy Chief shall be responsible for the safe keeping of all Internal Affairs case records. The Chief of Police, Division Commanders, and the Internal Affairs Investigator shall be authorized to access the records in this section.

423 INFORMATION ON FILING COMPLAINTS

All personnel shall be familiar with the procedures defined on the Citizen Complaint Form. Any citizen interested in these procedures shall be given a complaint form by departmental personnel. Complaints from internal sources shall be sent through the chain of command.

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424 DISCIPLINARY PROCEDURES


Discipline is the responsibility of each employee. A well-disciplined department is one that voluntarily conforms to its rules, regulations and General Orders. The Department employs a structured disciplinary system to be followed for infractions of General Orders and Regulations. This procedure is meant to ensure prompt, suitable and consistent discipline. The disciplinary system also provides a means of recognizing actions or performance by personnel of the Department which are either outstanding or beyond that which is normally expected.

The severity of the disciplinary action will be determined by the severity of the misconduct. Generally, the severity of discipline progressively increases with repeated or multiple infractions. The seriousness of the incident, the circumstances surrounding the incident, the employee's disciplinary records, the employee's work performance, the overall negative impact on the Department, and the prognosis for future similar problems will all be taken into consideration in the administration of discipline. The Department may mandate remedial training for personnel found to be deficient in some necessary skill.

The following types of discipline may be imposed when a finding of "sustained" is reached in an administrative investigation.

A. Oral Reprimand.

1. If the employee's misconduct is minor, consisting of a minor procedural mistake or inappropriate judgment, as a general rule, personnel (switch order) will be counseled or given appropriate training. A supervisor may recommend training at any level of discipline. When a supervisor deems that an informal oral reprimand or warning is warranted, the supervisor shall:
 - a. Advise the employee, in private, of the specific regulation violated and the date of occurrence;
 - b. Provide an opportunity for the employee to explain the conduct and weigh the explanation;
 - c. If warranted, administer the reprimand
 - d. Complete an Oral Reprimand Form, PD 38,
 - e. Inform the employee that a written record of the oral reprimand will be kept as provided herein;
 - f. Maintain an informal record of oral reprimands and warnings, with the employee's knowledge of such a record. Oral reprimands are considered official records and personnel must be provided with the opportunity to review and rebut the contents of these records. The record of the oral reprimand is to be maintained solely as evidence of the prior counseling, should the employee allege that it was not provided during possible appeals of future disciplinary actions.

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1. The PD 38 shall not be attached to documentation of subsequent disciplinary actions. In cases of subsequent disciplinary actions, the facts of prior oral reprimands shall be included in any documentation of violations, if relevant.
2. The PD 38 shall not be included in the employee's departmental file or be sent to the Town personnel officer for inclusion in the official personnel file.
3. The PD 38 shall be retained for a period of time not to exceed one year; except, in the event that subsequent disciplinary action is taken within that year, the form shall be retained for a period one year from the date of the most recent disciplinary action.

B. Written Reprimand.

If the employee's conduct is serious, or is part of a continuing pattern of behavior involving repeated minor misconduct or mistakes, or it is determined by a commander that the offense is of such a nature that a record should be placed in an employee's permanent personnel folder, then a written reprimand may be appropriate discipline.

C. Suspension

If the employee's misconduct is very serious or is a part of a continuing pattern of behavior involving repeated serious misconduct, personnel may be recommended for suspension.

D. Disciplinary Demotion


Separate and apart from disciplinary action described in the preceding paragraphs, an employee may receive a non-job performance demotion when he or she willfully violates or willfully fails to comply with the requirements imposed by the standards of conduct, or when an employee willfully participates in prohibited conduct.

E. Termination

If the employee's misconduct is so serious that continued employment is no longer appropriate, is part of a continuing pattern of behavior involving repeated serious misconduct, or it is determined the employee is no longer suited for employment with the Town, personnel will, as a general rule, be recommended for termination.


F. Disciplinary Hearing

1. The Chief of Police or designee shall hold a hearing to determine discipline in those cases where a finding of "sustained" is reached in an administrative investigation. These hearings can include the accused employee, and the investigating authority. The employee shall be given an opportunity to speak on their behalf and may answer any questions the Chief may have regarding the employee's conduct. The Chief shall give due consideration to the employee's remarks. The Chief shall decide if the investigation should remain as classified or be reclassified. Upon final determination of the classification, the Chief shall recommend/impose discipline as set forth herein. In the event of an oral reprimand, the Chief may direct that the employee's immediate supervisor impose the reprimand.

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A written reprimand may only be imposed by the Chief or Deputy Chief. A written reprimand shall contain:

- a. A statement of charges in sufficient detail to enable the employee to fully understand (switch order) the violation, infraction, conduct or offense for which the employee is being disciplined;
 - b. A statement which notifies the employee that it is an official written reprimand which will be placed in the employee's permanent personnel folder;
 - c. A statement of previous offenses in those cases where the written reprimand is considered a continuation of constructive discipline;
 - d. A statement that similar occurrences may result in more severe disciplinary actions for any future similar violations.
2. When a discipline being recommended is a suspension, disciplinary demotion or dismissal, the Chief will discuss the matter with the Town Manager as provided for in Town Administrative Regulation number 2.15. This discussion should take place prior to the discipline being given to the employee. Among the items to be discussed will be the length of any suspension. When discipline greater than a written reprimand is determined, the employee shall be provided with advanced notification.
3. Advance Notice - The notice will include:
- a. A statement of charges in sufficient detail to enable the employee to understand the violation, infraction, conduct or offense for which the employee is being disciplined;
 - b. A description of the type of disciplinary action (suspension, demotion, dismissal);
 - c. A statement notifying the employee that the action proposed, if implemented, will become a permanent part of the employee's personnel folder;
 - d. A list of previous offenses, if any, which were considered in determining the current disciplinary action;
 - e. The effective date of disciplinary action (no sooner than 10 working days from the date of the Advance Notice Letter), and the employee's right to reply within five calendar days;
 - f. A statement regarding the employee's right to grieve should the final decision result in a suspension, demotion, or dismissal.
4. Exceptions to Notice Period and Preparation of Response.
Advance written notice and the opportunity to respond are not necessary when there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed. When circumstances are such that the retention of the employee in an active duty status may result in damage to Town property or may be detrimental to the interest of the Town or injurious to the employee, fellow employees, or the general public, the Town Manager may temporarily assign the employee to duties in which these conditions will not exist or place the employee on leave without pay or other appropriate leave as determined by the Town Manager.
5. Probationary Employees.
The discipline procedures prescribed herein shall be applicable to those employees of the classified service assigned to regular positions, and do not apply to probationary

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employees. Personnel are not covered by such procedures until they have completed the probationary period.

425 DISMISSAL NOTICE

An employee who receives an advance notice of recommended discipline will receive a subsequent notice implementing the discipline. The notice will be subsequent to any grievance or after it is apparent the employee chooses to accept the recommended discipline. If the employee is dismissed and the employee is covered by the Town Grievance Policy, Vienna Town Code, and Administrative Regulation Number 2.15, the notice shall include:

1. Reason for dismissal;
2. Effective date;
3. Status of fringe and retirement benefits;
4. A statement as to the content of the effective employment record related to the dismissal.

426 DISCIPLINARY RECORDS

Any disciplinary action, such as written reprimands, suspensions, demotions or dismissals will be entered in the concerned employee's personnel file along with the charges and specifications. Personnel may review their personnel files at any time. Unless otherwise approved by the Chief of Police, records of disciplinary action will be kept in the employee's personnel file indefinitely.

427 GRIEVANCE PROCEDURES

- A. The Town of Vienna is committed to resolving employee complaints and grievances in a just and equitable manner. Covered employees of the Town have the right to submit complaints or disputes to the grievance procedure for resolution without threat of discrimination, coercion, recrimination, restraint or reprisal. The timely resolution of grievances enhances employer-employee relations and serves the mutual interests of all parties concerned.
- B. The Department utilizes the Town Grievance Procedures as set forth in the Code of Ordinances, and Administrative Regulations. (See Town Code, Chapter 11 and Administrative Regulation Number 2.18). Officers may elect to proceed under the provisions of the Town Code or the Law Enforcement Officer's Procedural Guarantees, but not both.