

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

EMPLOYEE DISCIPLINARY RECORDS

Authority:

Michelle Scray Brown, Chief Probation Officer

Purpose:

To establish a protocol for purging employee disciplinary records from the Probation Department personnel file.

Responsibilities:

- I. All Employees:
 - A. Five (5) years from the date of the discipline, the employee may request to have the disciplinary record purged from their Probation Department personnel file unless additional discipline occurred during the initial five (5) year period.
 - B. The employee has the responsibility of initiating a request to purge disciplinary records.
 - C. The employee shall complete the "Employee Disciplinary Records Purge Request" form (attachment A) specifying which disciplinary record they are requesting be reviewed.
 - D. The employee shall submit the form to the Professional Standards Unit.
- II. Professional Standards:
 - A. Within ten (10) business days the Division Director II or their designee will send the employee acknowledgement indicating the request has been received.
 - B. The Division Director II or their designee will review the department personnel file for all applicable disciplinary records.
 1. If the Probation Department personnel file contains disciplinary records that do not fall within the prescribed timeframes listed above, the employee will be notified that the request is not applicable pursuant to this protocol.
 2. If the Probation Department personnel file contains disciplinary records that fall within the prescribed timeframes listed above, the Division Director II or their designee will meet with the Chief or their designee to review the request.
 3. Following a review of the request and the applicable disciplinary records by the Chief or their designee, the Division Director II or their designee, will notify the employee that the request has been granted or denied.
 4. If the request has been granted, the Division Director II or their designee will remove the applicable disciplinary record from the employees Probation Department personnel file.

Guidelines:

- A. The Chief or their designee has the sole discretion to approve or deny any request to purge disciplinary records pursuant to this protocol.
- B. If an "Employee Disciplinary Records Purge Request" form was not submitted and an additional discipline occurs, the employee no longer has the option to request the previous disciplinary record to be purged. However, the employee may request for the disciplinary record to be purged five (5) years after the subsequent disciplinary action.
- C. If the behavior of the discipline resulted in the employee being under legal supervision or obligation for a period of time, the five (5) year period of time will be calculated from the termination of the supervision or obligation. For example, an employee suffers a criminal

Employee Disciplinary Records

conviction and is under court supervision for thirty-six (36) months, the (5) five year period starts at the date the employee is no longer under court supervision.

- D. If a personnel action results in a mitigated stipulation agreement being entered into by the department and the employee, such as a "Last Chance Agreement", that contract/agreement shall be maintained by the Department for five (5) calendar years or for the duration of the contract/agreement, whichever is greater. Once the contract/agreement has expired the employee may request to have their disciplinary record purged from their Probation Department personnel file pursuant to this protocol.
- E. An employee's Probation Department personnel file is independent from an employee's Human Resource file.

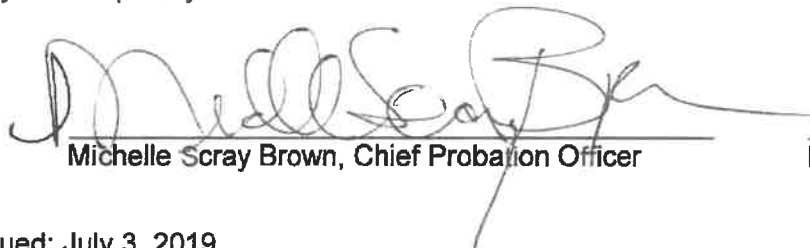
Inspections:

Refer to the Policy and Procedures Inspections Matrix

Replaces:

TDO #51 Employee Disciplinary Records

Issued by:


Michelle Scray Brown, Chief Probation Officer

1/10/20
Date

Original Date Issued: July 3, 2019

Revised: January 10, 2020

Attachments:

A – Employee Disciplinary Records Purge Request



TRACY REECE
Chief Probation Officer

JULIE FRANCIS
Assistant Chief Probation Officer

EMPLOYEE DISCIPLINARY RECORDS PURGE REQUEST

Employee's Name: _____
(print)

Today's Date: _____ Date of Final Disposition: _____

Disciplinary record to be purged:

Employee's Signature: _____

Assigned Worksite: _____ Telephone Number: _____

FORWARD A COPY OF THIS FORM WITH ORIGINAL SIGNATURE TO THE
PROBATION DEPARTMENT DIRECTOR OF PROFESSIONAL STANDARDS

175 West Fifth St., 4th floor
San Bernardino, CA 92415
Interoffice Mail Code 0460

TO BE COMPLETED BY PROFESSIONAL STANDARDS

Request: Approved: _____ Denied: _____

Comments:

Director, Professional Standards Division

Date