JOPLIN POLICE DEPARTMENT	3-10 STANDARD OPERATING GUIDELINE
SUBJECT: Termination of Employment	**REVIEW DATE: Annually - March**
EFFECTIVE DATE: March 1st, 2007	**ACTION DATE:**
AMENDS/SUPERSEDES: 1-21, May 26, 2003	**AMEND DATE:**
ACCREDITATION INDEX:	**APPROVED:** Richard A. Pearson **Chief of Police**

I. POLICY

Employees may resign voluntarily or perhaps their employment may be terminated. In either case, for the protection of the employee as well as the department, a formal process is herein set forth that outlines the different ways in which employment terminates, highlighting the rights and obligations of the employee and the department. The chief executive is not bound or required to accept an employee's voluntary notice of resignation. The manner in which the employee resigns or otherwise terminates employment is a department prerogative. Note that this order applies to **all** sworn (full-, part-time, reserve, auxiliary) and non-sworn positions within the department.

II. PURPOSE

The purpose of this order is to outline and establish procedures concerning different methods of resignation or termination of employment.

III. DEFINITIONS

A. Advance notice

A minimum of two weeks' written notice to the department of an employee's voluntary resignation from employment.

B. Disability retirement

A form of separation resulting from a permanent, disabling condition that prevents the employee from performing his or her duties.

C. Discharge

An employee's involuntary termination of employment **excluding** termination as a result of a reduction in force or layoff.

D. Discipline

Training or developing an employee by proper supervision and instruction. Discipline may be positive (awards) or negative (punishment).

E. Good standing

A description of employee behavior, recognized by the department as acceptable to the job position and not subject to discipline for poor behavior or performance.

F. Involuntary separation

A separation from employment that is reported as a resignation, based on documented evidence of poor performance, and concluded by a signed, written agreement between the employee and the department. Through the written document, the department and the employee mutually agree to sever the employment relationship.

G. Relief from duty

An administrative action by a superior whereby a subordinate officer is temporarily relieved from performing his or her duties.

H. Resignation pending discipline

A separation from employment based on documented evidence of the employee's poor performance, misconduct, or uncharged criminal conduct, concluded by a signed, written agreement between the employee and the department.

I. Retirement

Voluntary separation from employment after completing 20 years of service or reaching the legal age of retirement.

J. Termination for cause

An involuntary separation from employment based on documented evidence of an employee's poor performance, misconduct, charged or uncharged criminal conduct, or where a formal administrative complaint has been brought against the employee, concluded by a formal or informal departmental administrative hearing where cause has been established. "Cause" refers to a violation of a departmental administrative order, a violation of the city's personnel rules and regulations, a city ordinance, or state or federal law.

K. Voluntary resignation

A separation from employment where the department acknowledges the employee to be in good standing and not subject to pending discipline. Resignation is a formal process by which an employee submits written notice (preferably at least two weeks) of an intention to terminate a position with the department.

IV. PROCEDURES

A. Voluntary resignation

1. Employees shall provide to the chief of police at least two weeks' written notice of their intention to resign. If the employee is in good standing, his or her request shall be recognized by the department.

2. An employee in good standing may request that the period of notice be waived.

3. If an employee fails to provide advance notice of resignation, the termination report shall be amended to read, "Separation from employment without notice," and placed in the personnel file.

B. Involuntary separation

1. The department shall prepare a written agreement of involuntary separation to be signed by the employee and the chief of police. The agreement shall cite documented poor performance.

2. When responding to requests from future employers conducting background investigations, the department shall only acknowledge the conclusion of the employment relationship as a "resignation under conditions where the employee's performance did not meet the needs or expectations of the department."

3. The chief of police retains the discretion to decide whether advance notice will or will not be given to the employee to be separated.

C. Resignation pending discipline

1. The employee or his or her legal counsel must request a resignation pending discipline.

2. The resignation pending discipline requires a written agreement, co-signed by the employee and the chief of police, acknowledging that

a. The employee has volunteered to resign based on poor performance, misconduct, or uncharged criminal conduct while employed by the department, whichever is applicable; and

b. The employee understands that he or she has no rehire rights and shall not be considered for future employment with the department; and

c. The employee understands that should the department receive a written request for employment background information, with an authorization to release the information signed by the employee, the department shall acknowledge the fact of the employment by responding in writing with the words, "resignation pending discipline".

3. When responding to telephonic requests from future employers or those conducting background investigations, the department shall acknowledge the termination of employment as "resignation pending discipline; the ex-employee has no rehire rights with the department and shall not be considered for future employment."

4. No advance notice is required for an employee to resign pending discipline.

5. In cases where a formal administrative hearing or an appellate proceeding has finally adjudicated an issue concerning evidence of an employee's poor performance, misconduct, or uncharged criminal conduct, a resignation pending discipline shall not be allowed.

D. Termination for cause

1. Before terminating employment for cause, the officer shall receive due process as outlined in the City of Joplin Employee Manual.

2. Under no circumstances shall members of the department respond to oral or written requests for information on employees who have been terminated for cause. Such requests shall be forwarded to Human Resources.

V. MANDATORY REPORTING OF RESIGNATIONS OR TERMINATION

A. Compliance with state employment reporting procedures

1. To comply with the regulations established by the Peace Officer Standards and Training Commission (P.O.S.T.), the chief shall submit notice of resignations or the termination status of all sworn officers.

2. If the sworn officer resigns or has his or her employment terminated for reasons that may subject the officer to decertification, the chief shall make those facts available to P.O.S.T.

B. Decertification

1. In accordance with Section 590.080.1, of the Revised Statutes of Missouri, the P.O.S.T. Director shall have cause to discipline any peace officer licensee who:

   a. Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse;

   b. Has committed any criminal offense, whether or not a criminal charge has been filed;

   c. Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person;

   d. Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;

   e. Has violated a condition of any order of probation lawfully issued by the director; or

   f. Has violated a provision of this chapter or a rule promulgated pursuant to this chapter.

2. The following is an overview of the steps that are followed in disciplining a peace officer's license:

   a. A complaint is received by P.O.S.T. from any source that a licensed peace officer is subject to disciplinary action, as outlined in Section 590.080.1(1-6), RSMo.

   b. All available information is gathered by P.O.S.T. to determine if a licensed peace officer has committed a violation.

   c. If POST determines that a licensed peace officer is subject to disciplinary action, a complaint is filed with the Administrative Hearing Commission (AHC) detailing the violation. Once filed, notice of the complaint is served to the licensed peace officer. Note: In accordance with Section 590.030.5(2), RSMo, all licensed peace officers shall maintain a current address of record on file with the Director of the Department of Public Safety.

   d. The AHC shall conduct a hearing to determine whether the Director has cause to discipline and will issue a Findings of Fact and Conclusions of Law on the matter.

   e. If the AHC determines that a licensed peace officer is subject to disciplinary action, the Director of the Department of Public Safety shall, within thirty days, hold a hearing to determine the form of discipline to be imposed.

f. After the disciplinary hearing, the Director may probate, suspend, or permanently revoke the peace officer's license.

g. The licensed peace officer may appeal the AHC decision to the Circuit Court of Cole County.

3. **Note:** Nothing throughout P.O.S.T.'s disciplinary process shall prevent a licensee from informally disposing of a cause for discipline, with the consent of the Director, by voluntarily surrendering a license or by voluntarily submitting to discipline.

VI. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies shall comply with this policy.

VII. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.

EMPLOYEE RESIGNATION/TERMINATION REPORT

Name of Employee: _____
Last First Initial

SSN: _____ Effective date of separation: _____

Type of Resignation/Termination:

☐ Voluntary resignation ☐ Involuntary separation

☐ Termination of probation ☐ Resignation pending discipline

☐ Termination for cause ☐ Retirement from service

☐ Disability retirement

Advance Notice:*

☐ Yes ☐ No

Consideration for Future Employment:

☐ Yes ☐ No

Authorization:

_____ _____
Chief of Police/Sheriff Date
