

	GENERAL ORDER	Effective: 10-21-2022	# 04-08
	Section: Personnel	Replaces or Modifies: 8-10-2022	
	Title: Positive Discipline		
Issued by: Chief Deputy Mattie Provost			

I. Purpose:

To establish an opportunity for employees of the Fort Bend County Sheriff's Office (FBCSO) to request or accept positive discipline when a sustained internal investigation has been completed and the discipline involves a suspension of up to 10 days.

II. Policy Statement:

The Sheriff's Office recognizes that, in certain circumstances, it is mutually beneficial for the Office and an employee, to agree to positive discipline. In all instances where an internal investigation is sustained, a wide variety of means exist to correct inappropriate behavior. This ranges from education-based discipline, to training, and includes counseling, written reprimand, suspension, demotion, dismissal, or in severe cases, criminal charges. The Sheriff's Office will consider requests from employees who seek positive discipline.

III. Definitions

A. **Positive Discipline.** Generally described as a form of attitudinal conditioning and training without invoking punitive measures to influence and engender employees to adhere to the organizational policies and procedures. Positive discipline allows an employee to have a disciplinary suspension deducted from their vacation time balance in increments that reflect the employee's work shift.

1. When an internal investigation is sustained, the Chief Deputy will consider the shift hours of the involved employee when determining the number of suspension days. For example, a Telecommunications Officer (TCO) may be assigned to a 12 hour shift, while a sworn employee may be assigned to an eight-hour shift. A 2-day suspension for the TCO would be comprised of 24 hours, while a 2-day suspension for the sworn employee would be comprised of 16 hours.
2. In order to maintain consistency in the application of discipline, one employee may receive a 3-day suspension for a policy infraction, while another employee may receive a 2-day suspension for the same policy violation. This discrepancy is only attributed to the shift differences between employees when there are no other aggravating or mitigating factors.

- B. **Vacation Time.** Sec. 513 of the Fort Bend County Employee Information Manual provides vacation hour accruals for each pay period based upon years of service. Employees can access pay reports and accruals of vacation, compensatory time, and sick leave to determine balances.

IV. Procedures

- A. Within five (5) calendar days of the receipt of a disciplinary suspension, an employee seeking positive discipline must submit a request to the Chief Deputy. A request for positive discipline should include accepting responsibility for the policy violation, waiving the right to appeal, and agreeing to have the equivalent hours of suspension deducted from the employee's vacation time balance.
- B. A Positive Discipline Request Form, attached to this policy as an Addendum, should be completed and signed, with initials on each of the terms provided by the requesting employee.
- C. Requests for positive discipline settlement are limited to a maximum of 10 suspension days.
- D. The Chief Deputy will have five (5) calendar days to consider the request. If a response is not made within five calendar (5) days, the request will be considered to be rejected.
- E. The request for positive discipline is considered a settlement negotiation and may not be introduced or offered for any purpose in any disciplinary proceeding.
- F. Due to the nature of this request, when an internal investigation results in a suspension, the suspension will not commence until 10 days from the date the suspension notice is given. This provides an opportunity for the Chief Deputy to review the positive discipline request and any other pertinent documentation before the suspension commences.
- G. Per Art. 158.035 of the TX Loc. Govt Code, an employee who is not on probationary status may file an appeal to the Civil Service Commission. A notice must be provided to the Commission in writing, stating the reason for the appeal. This notice must be provided within 10 working days after the employee receives the suspension notice of the Sheriff's decision.
- H. When an employee requests positive discipline, the Art. 158.035 procedure is waived.
- I. The FBCSO HR section will submit an Employee Action Form (EAF) for the positive discipline days to be debited to the employee vacation time bank. No positive discipline time will be debited to an employee's compensatory time or sick time bank. HR will ensure time and pay reports properly report positive discipline days.