

PRE-DISCIPLINARY PROCESS: BASICS FOR SKELLY

SUPPLEMENTAL MATERIALS

Presented to CalPELRA

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by

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**PREDISCIPLINARY PROCESS: BASICS FOR SKELLY
SUPPLEMENTAL MATERIALS
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INTRODUCTION

This document supplements the presentation, Pre-Disciplinary Process: Basics for Skelly, presented at CalPELRA on November 20, 2020. It provides sample checklists and scripts for agency personnel selected by their employer to serve as the *Skelly* officer in cases involving serious disciplinary action. It also includes sample, redacted *Skelly* reports that were utilized in previous disciplinary actions. These are provided only as examples, and not as models for emulation.

The “Skelly Discipline and Due Process” Manual prepared by the CPOA’s Police Legal Advisors Committee and distributed by the California Peace Officers Association provides insight on how employee organizations view the Skelly process.

Nothing in this supplement or in the CalPELRA presentation constitutes legal advice. Employer representatives seeking legal advice should consult qualified legal counsel when confronted with a legal issue in conjunction with the *Skelly* process.

CHECKLIST FOR SKELLY OFFICERS

- Evaluate whether you are directly connected with the initial recommendation for disciplinary action, the investigation, or the underlying events in a manner that renders you "embroiled" in the controversy or negatively affects your impartiality.
- Confirm you have sufficient authority in the organization to make an effective recommendation to sustain, modify, or revoke the disciplinary action.
- Determine whether to tape record the meeting.
- Prepare for the meeting. Read all the materials in the Skelly Notice and packet of materials before meeting with the employee.
- Schedule the Meeting. Give the employee a reasonable amount of time to prepare for the meeting.
- Review any requests for information made by the employee or their representative and determine the agency's position regarding disclosure.
- At the beginning of the meeting:
 - Introduce yourself to the employee and their representative. Make sure that all the parties in the meeting are introduced to each other.
 - Explain that your role is to provide the employee with an opportunity to respond to the charges described in the discipline notice.
 - Confirm that the employee has received, and has had the opportunity to review, the disciplinary notice and materials provided.
 - Explain that you will make a recommendation to sustain, modify, or revoke the proposed disciplinary action.
 - Define roles and expectations.
 - State that this meeting is the employee's opportunity to respond. Then let them present their case.
- During the meeting:
 - Take notes of the employee's responses to the charges and retain them.
 - Ask open-ended follow-up questions to clarify employee statements or to gain more information. Keep in mind, however, that the sole purpose of the meeting is to allow the employee to respond to the charges and not to re-investigate the charges.

CHECKLIST FOR SKELLY OFFICERS

- Allow for discussion if specific facts are in dispute or details need to be clarified by the employee's union.
- Avoid commenting on the merits of the Department's case or the employee's response.

<i>Skelly</i> Reviewer Dos	<i>Skelly</i> Reviewer Don'ts
<ul style="list-style-type: none"> ✓ Maintain objectivity during the meeting ✓ Listen and ensure the employee feels heard ✓ Ask questions where appropriate ✓ Allow the employee to present all relevant, non-cumulative, information, including documents and other evidence ✓ Maintain order during the <i>Skelly</i> meeting 	<ul style="list-style-type: none"> □ Indicate during the meeting what your recommendation is likely to be □ Allow the discussion to wander into generalities unrelated to the charges □ Argue or try to settle disputes about the proposed disciplinary action □ Respond to questions about the proposed disciplinary action or express an opinion about the quality of the disciplinary action. (The <i>Skelly</i> Reviewer may respond to procedural questions) □ Allow the employee's representative to disrupt the <i>Skelly</i> meeting

- At the conclusion of the meeting:
 - Indicate that you will take the matter under consideration, and will make a recommendation to sustain modify, or revoke the proposed disciplinary action.
 - Explain the timeline and process for the final decision.
- After the meeting:
 - Review information provided by the employee that may impact the factual basis for your recommendation.
 - Consider mitigating factors the employee brought up that you had not previously considered.
 - Determine how to deal with employee requests to interview witnesses.

CHECKLIST FOR SKELLY OFFICERS

- Determine how to deal with requests for information made by the employee's union.
- Decide whether the information provided by the employee is sufficient to alter the original recommendation.
- Seek procedural advice from Human Resources or Legal Counsel, if needed
- Prepare the Skelly Report to the final decision maker. Be mindful of applicable time deadlines.

SKELLY SCRIPTS

Skelly Meeting Introduction Script

My name is [insert name] and I am [insert title]

Before we begin, I would like to tape record this meeting. Do you have any objection?

[If no objection, at this point turn on Tape Recorder and restate your name and title for record. If there is any objection, proceed without recording.]

I'd like to start this meeting by having everyone introduce themselves on the record.

[Allow all individuals present to introduce themselves. If the meeting is being tape recorded, when the employee introduces themselves ask that they acknowledge for the record that they are aware that the meeting is being recorded and consent to it.]

I am here today to allow [employee name] the opportunity to respond to the allegations against [employee name] specified in the notice of intent to discipline [employee name].

The purpose of this meeting is for [employee name] to have an opportunity to respond to the charges against him/her, and to minimize the risk of an erroneous disciplinary decision. To that end, I ask that [employee name] present the factual information directly. I also understand that you [employee representative's name] are here to support [employee name], provide any opening remarks, clarify any issues, and provide relevant supportive information for the employee.

As a part of this process, I will consider all of the information provided to me by [employee name] and/or [proper pronoun] representative during this meeting.

Skelly Meeting Conclusion Script

Thank you [employee and employee's representative] for your attendance at this meeting.

I will consider all of the information provided today and make a recommendation to uphold, modify, or revoke the proposed disciplinary action. Please note that I will not be making my decision today, as it is possible that I will need to review additional materials prior to making my recommendation.

I appreciate your time and cooperation in this process.

SAMPLE SKELLY NOTICE – HYPO 1

Re: Recommendation to Uphold Notice of Intent to Dismiss

Dear [Individual Issuing Discipline]:

The undersigned served as the Skelly officer in connection with a Notice of Intent to Dismiss issued to EMPLOYEE on March 1, 2015. This letter addresses EMPLOYEE's response to said Notice of Intent to Dismiss. Through a representative, EMPLOYEE responded at a Skelly meeting that occurred on HEARING DATE. After reviewing the oral responses, I am making the following recommendation:

FACTUAL SUMMARY

1. The Notice of Intent to Dismiss indicates that EMPLOYEE created a DVD containing pornographic material and distributed these DVDs to at least three co-workers: [____], [____], and [____]; that the DVD contains 20 minutes of visual images, accompanied by audio, depicting intimate sexual activities between two individuals; and that EMPLOYEE created this media during working hours in the department, utilizing a City computer and City software, having uploaded to a City-owned flash drive pornographic scenarios that EMPLOYEE had acquired outside of working hours. The physical DVDs to which EMPLOYEE copied this material were City property. The Notice of Intent to Dismiss concluded that this conduct violated the City policies stated below.

2. The Notice of Intent to Dismiss further indicates that EMPLOYEE distributed these DVDs to the following City employees as follows: to __, at her work location, __, on February __, 2015; to __, at his work location, __, on February __, 2015; and to __, at her work location, __, on February __, 2015. The Notice of Intent to Dismiss also indicates that EMPLOYEE stored this data on a UC-owned computer, with the result that the data was copied onto EMPLOYEE's departmental server. The Notice of Intent to Dismiss concluded that this conduct violated the City policies stated below.

3. The Notice of Intent to Dismiss further indicates that, as part of the investigation into these allegations, EMPLOYEE was interviewed on March __, 2015 by _____, an Investigator assigned to determine the facts of this case and assess whether, based on the facts found, violations of City policy occurred. It further indicates that in EMPLOYEE's interview with the Investigator, EMPLOYEE admitted distributing the DVDs to the above-named City personnel. However, during the interview, EMPLOYEE maintained that EMPLOYEE created the data at home and, only "minimally," during break time and lunch time rather than during duty hours. EMPLOYEE denied that the DVDs and flash drive utilized were City property, and further denied utilizing a City computer to produce the data. The Investigator concluded that these statements were untruthful. EMPLOYEE further indicated that the City does not enforce its policy against utilization of City property for personal use.

THE SKELLY MEETING

At the Skelly meeting, EMPLOYEE's representative acknowledged that EMPLOYEE distributed the DVDs to the other employees, but indicated that based on EMPLOYEE's relationship with those individuals, EMPLOYEE was certain that they did not consider the

SAMPLE SKELLY NOTICE – HYPO 1

DVDs to be “unwelcome,” and that each of them later found them to be either “interesting” or “worth seeing.”

EMPLOYEE’s representative continued to maintain that EMPLOYEE did not create the data during “working time” or utilizing City property. EMPLOYEE’s representative acknowledged that the data reposed on a City computer, but stated that this was due to an inadvertent upload EMPLOYEE made from home outside of working hours. EMPLOYEE’s representative denied any dishonesty or intent to mislead the City.

EMPLOYEE personally confirmed that EMPLOYEE’s representative accurately stated EMPLOYEE’s perspective on all of the issues discussed in the meeting.

DOCUMENTATION

I reviewed information gathered through the written Skelly response and additional information and documentation including:

Notice of Intent to Dismiss dated April 9, 2015 and Attachments to the Notice

Attachment 1: Personnel Policy, section 3

Attachment 2: Departmental Ethics Training (11/2/16)

Attachment 3: Notice of Intent to Dismiss (8/17/18)

Attachment 4: Investigative Report

Attachment 5: Exhibits to Investigative Report

Attachment 6: Objection to the Notice of Intent to Dismiss

DISCUSSION

Responding to EMPLOYEE’s allegations at the Skelly meeting, as detailed above:

The facts, as stated in the Skelly notice and as confirmed by EMPLOYEE’s representative, indicate that EMPLOYEE engaged in the conduct alleged. EMPLOYEE’s representative stated that EMPLOYEE distributed the DVDs containing pornographic material to the other employees.

EMPLOYEE’s defense that he had a personal relationship with these employees, and these employees found the DVDs to be “interesting” or “worth seeing,” does not change the fact that the distribution of pornographic material to City employees is a violation of City policies. This conduct constitutes “unethical behavior” and sexual harassment, in violation of City of California Policy – PPSM 62, Corrective Action, section III. A, and the UC Standards of Ethical Conduct.

The Investigator found that EMPLOYEE created the DVD containing pornographic content during work hours, and that EMPLOYEE was dishonest in denying that EMPLOYEE created some DVDs during work hours. During the Skelly hearing, EMPLOYEE’s representative continued to maintain that EMPLOYEE did not create the data during “working time.” Based on the findings made by the Investigator, it is reasonable to conclude that EMPLOYEE did create

SAMPLE SKELLY NOTICE – HYPO 1

some DVDs during work hours – i.e., not just during breaks or lunch, but during work time. This conduct constituted a failure to meet acceptable work performance standards, in violation of City Policy. The Investigator also found that EMPLOYEE used City property, including DVDs, a flash drive, and a work computer, to store this pornographic material. Defending against the Notice of Intent to Dismiss, EMPLOYEE contends that the City has allowed utilization of City property for personal use at some point in the past. EMPLOYEE failed, however, to provide any specifics in support of this argument. In any event, EMPLOYEE’s duty as a supervisor is to abide strictly by departmental and City policy. A claim that EMPLOYEE is excused from abiding by departmental and City rules because they were not fully enforced in the past is not persuasive given EMPLOYEE’s responsibility for policing the work environment. It is, after all, the responsibility of City supervisors to assure compliance with the City policy. Moreover, the utilization of City property to store pornographic material is extremely serious, and far beyond the threshold of what may be acceptable “personal use.” This conduct constitutes a misappropriation of City property, in violation of City of California Policy – PPSM 62, Corrective Action, section III. A.

EMPLOYEE’s statements, through EMPLOYEE’s representative, further confirm that EMPLOYEE does not take any responsibility for EMPLOYEE’s conduct and that EMPLOYEE was dishonest (and continue to be so) relative to denials of the allegations that EMPLOYEE created some of the pornographic DVDs during work hours. Indeed, as the Notice of Intent to Dismiss emphasizes, the conduct in which EMPLOYEE engaged was especially serious, given EMPLOYEE’s responsibility as a supervisor for ensuring an appropriate work environment, for ensuring subordinates comply with City policy, and for being completely forthright in connection with official inquiries into allegations of policy violations.

Accordingly, I confirm the conclusion in the Notice of Intent to Dismiss that EMPLOYEE violated four (4) enumerated rules:

Unethical Behavior (Personnel Policy, Section 3, subsection (ii)) Dishonesty (Personnel Policy, Section 3, subsection (iii))

Discrimination, harassment, exploitation, or intimidation (Personnel Policy, Section 3, subsection (vi))

Theft or misappropriation of property (Personnel Policy, Section 3, subsection (vi))

Failure to meet acceptable work performance standards (Personnel Policy, Section 3, subsection (viii)).

The personnel policy does not limit the causes for discipline to the enumerated rules, and instead indicates that these are examples of disciplinable conduct. EMPLOYEE’s conduct also constitutes: conduct failing to uphold duties as a supervisor, discourteous treatment of other employees, unauthorized use of property, and theft of time.

These violations contribute toward an irredeemable lack of trust and confidence in EMPLOYEE as an employee and as a supervisor, and present a serious liability to the organization.

SAMPLE SKELLY NOTICE – HYPO 1

DISCIPLINARY PENALTY

In order to assess the proposed level of discipline, in addition to the facts stated above, I have reviewed EMPLOYEE's entire personnel file, as EMPLOYEE has suggested. It is true that EMPLOYEE's personnel file contains no prior discipline, and performance evaluations of "standard" or above. Nevertheless, the findings above indicate serious, intentional and aggravated misconduct – including dishonesty.

Based on all of the foregoing, I conclude that the department's intent to dismiss EMPLOYEE from employment reflects a reasonable exercise of their sound discretion in determining the level of discipline. I recommend upholding the department's notice of intent to dismiss EMPLOYEE in its entirety.

Sincerely,

Skelly Reviewer

Attachments (per list above)

SAMPLE SKELLY NOTICE – HYPO 2

[DATE]

To: EMPLOYEE

UNION REP, Business Representative

From: _____

Skelly Officer

Re: Skelly Determination Regarding Intent to Dismiss (Sal Employee)

EMPLOYEE Summary of Issues

On January 8, 2017, EMPLOYEE was notified of the Agency's Intent to Dismiss her due to her striking Department Intern Sam Spade during an altercation in the department break room. She was represented by UNION REP. Pursuant to her rights, EMPLOYEE requested a hearing regarding the intended action. The meeting occurred on January 17, 2017.

Summary of Review

Prior to my meeting with EMPLOYEE, I reviewed the following materials:

- The Notice of Intent to Dismiss (including attachments)

I met with EMPLOYEE and Jim Jones, her Union representative, on January 17, 2017, in my role as a Skelly Officer to evaluate whether reasonable grounds exist to establish that she struck another employee during an altercation in the department break room and if the intended action is in proportion to the alleged conduct.

At the hearing, EMPLOYEE stated she has been an employee since 2008 and has never had any previous discipline. She stated that the person who complained, a department intern, was the instigator in the altercation and used abusive language to provoke her. She noted that the witness statements seem to be dated, as they were collected after the initial investigation of the incident.

During the meeting, EMPLOYEE provided me with several written character references stating that she had been working in the department without issue for nearly a decade, and this conduct was out of character for her. EMPLOYEE also explained that she had been under a great deal of stress, dealing with a death in her immediate family.

Recommendation

I reviewed and considered the Department's stated reasons and the documents listed above,

SAMPLE SKELLY NOTICE – HYPO 2

EMPLOYEE's statements during the meeting, character references provided by EMPLOYEE, and EMPLOYEE's own letter.

Based on the documentation in the Notice of Intent to Dismiss, it is clear that there was an altercation between EMPLOYEE and Spade, where EMPLOYEE struck the Spade with her fist. There is no basis for questioning the witness statements. As noted in the notice of intent, the witnesses had nothing to gain by misrepresenting EMPLOYEE's conduct. I have concluded that EMPLOYEE violated UC's Workplace Violence policy.

Accordingly, I recommend that the intended dismissal be upheld.

Sincerely,

[Skelly Reviewer Name]

Skelly Officer

Attachment:

Character References

Appendix

Note: The Attached Document was found in the Public Domain.

SKELLY

Discipline and Due Process Manual



SKELLY

Discipline and Due Process Manual

Prepared by CPOA¹'s Police Legal Advisors Committee

Gregory P. Palmer, Esq., State Chair

Acknowledgments

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5 CHECKLIST FOR CONSIDERING DISCIPLINARY ACTION

Procedural Issues

Notice: Did the employee have notice of:

- a. Any applicable policy, procedure, or other requirement of your employer?
- b. Any work-related expectations you may have concerning his/her job performance, conduct or attendance?
- c. The consequences, including the possibility of disciplinary action, if his/her unsatisfactory conduct, performance or attendance continues?
- d. Any changes in your employer's policies, procedures, or other requirements?

The Investigation: Did you investigate the facts prior to taking disciplinary action?

- a. Have you interviewed witnesses, obtained witnesses' statements or made your own investigatory notes of what they know, saw, or heard, and have you verified or discounted any conflicting "facts" which arise?
- b. Has all documentation been reviewed for discrepancies, i.e., missing facts, omitted dates or signatures, etc.?
- c. Have you reviewed the employee's prior record?
- d. Have you interviewed the employee to determine his version of the events or problem?
- e. If any inconsistency exists between the employee's version and that of other witnesses (or your own understanding of the facts), have you reviewed your documents again -- or double-checked with your witnesses or other individuals with firsthand knowledge -- to determine whether the inconsistencies can be resolved?
- f. Have the due process requirements for interrogations under Public Safety Officers Procedural Bill of Rights Section 3303 been followed including administering the proper admonishments?

Consistent Policies: Have your employer's policies, procedures or requirements been consistently and evenly enforced?

- a. What type of disciplinary action has been taken for past infractions?
- b. If consistent enforcement is absent, have you considered the possibility of deferring present disciplinary action in favor of informing all employees that the policy, etc., will be enforced in the future (group notice), and only proceeding with disciplinary action for future infractions?
- c. If consistent enforcement is absent, are there any aggravating factors which support disciplinary action, and if so, can you still comply with other applicable notice requirements?

- d. What has been your employee's response to past occurrences of the same type of problem? Is the proposed action consistent with past practice?

Obtain Approval/Provide Proper Documentation:

- a. Have you obtained advice, direction or approval as required by your own employer's procedures or requirements -- e.g., from personnel, your superior, etc.?
- b. Have all investigative and required forms been completed and properly approved?

Substantive Issues to Consider

Review Nature of Problem: What is the general nature of the problem you are facing -- unsatisfactory performance, misconduct, or absenteeism/attendance?

If Unsatisfactory Performance, can you determine:

- a. In what way is the employee's performance unsatisfactory?
- b. What must he/she do -- in very specific terms -- to correct his/her performance?
- c. Does the employee appear to be unable or unwilling to perform (since your plan or action should be influenced by this distinction)?
- d. Does the employee's performance fluctuate between satisfactory (or even excellent!) to poor, indicating the ability to perform but lack of concern or consistency (again, this distinction may influence your decision)?
- e. Are your expectations consistent with how other employees perform the job (if not, you may need to establish revised standards -- or give notice to all employees that existing standards will be enforced -- before you proceed to any disciplinary action)?
- f. Has the employee received any assistance from you or others and would any such assistance (or external sources of help), such as written materials, continuing education programs, seminars, etc. be helpful?

If Misconduct: can you identify:

- a. What type of misconduct is involved, such as theft, sleeping on duty, insubordination, unauthorized absences, destruction of property, fighting, etc. (remember -- more than one type of misconduct may be occurring)?
- b. What are the requirements you must meet to prove that type of misconduct, and do your "facts" establish each such requirement (for example, sleeping on duty requires sleeping -- not merely closing one's eyes -- on on duty time, excluding rest breaks, meal periods, etc.)?

If Dependability (absenteeism or tardiness) is the problem have you considered:

- a. Whether the primary problem is extensive absences (long absences due to health problems), one or two day absences (may be health, but also may be that the employee has personal problems or is deliberately "using up" sick leave as it accumulates), or tardiness (the easiest to deal with from a disciplinary standpoint)?
- b. Whether you are contending -- or concede -- that the absences are health-related? If so, disciplinary action may not be appropriate.
- c. Whether there is any factual basis for contesting the legitimacy of any claims that the absences are health-related?
- d. Do your facts support a conclusion that the employee is engaging in a deliberate pattern of absenteeism-attendance akin to misconduct (such as not calling in sufficiently in advance of an absence, not returning to work at the end of an approved leave, being absent on days adjacent to days off, holidays, etc.)?

[This document was included in the Discipline and Due Process Manual as Appendix A]

NOTICE OF PROPOSED DISCIPLINARY ACTION (SAMPLE)

[DATE]

Name of Employee
Job Classification
Department/Division
Address

Re: NOTICE OF PROPOSED DISCIPLINARY ACTION

Dear

In accordance with Rule _____ of the Administrative Rules (or Section__ of the Municipal Code), please be advised that on _____ 20__, I intend to recommend to the city council that you be discharged from your position with the City for the following reasons:

1. *Violation of Section__ (Administrative Rules}, inefficiency, incompetence, carelessness or negligence in performance of duties.* Pursuant to your performance improvement program, your evaluation was to occur within sixty (60) days from_____ or on _____, 20__. As we discussed, you were to improve in the following areas:

(List areas of improvement)

To-date, your performance has been unsatisfactory and below the standards acceptable for the performance of duties of your position. For example, you have failed to **(list specific deficiencies in performance)**.

You have been counseled on numerous occasions about your performance and the need to improve. For example, you have failed to... (here list all prior written reprimands, performance reviews, etc. from the **materials found in the personnel file and/or the supervisor's notes on when employee was counseled**).

2. *Violation of Rule__ violation of the provisions of these rules and regulations, departmental rules and policies, or any written policies which may be prescribed by the city.* (Here cite any specific rules generally, all discipline cases have some department rule or practice violated. Then, as above, list facts supporting the allegation that there indeed has been a violation.)

3. *Violation of Section (continue listing separate violations in accordance with Sections 1 and 2 above).*

In accordance with section ____ of the city's personnel rules, you have the right to request a meeting with the (city manager/chief of police) to present any additional information to rebut the charges made against you. Should you decide to exercise this option, you must notify me in writing no later than 5:00 p.m. on ____, ____, 20__. You have the right to be represented by an attorney or by a representative of your employee organization during this meeting. You are hereby suspended with pay pending final determination of discipline action on ____ 20__. You may file a written response which must be received by __ __, 20__ . Your response will be considered before final action is taken. Failure to answer charges within ten (10) days shall be an admission of the charges and waiving of a hearing.

If the proposal for discipline remains unchanged following completion of any pre-disciplinary review occurring in this matter, then your termination will be effective immediately following completion of the pre-disciplinary process and upon written notice to you.

All materials upon which the recommended disciplinary action is based are attached to this Notice.

(Attachments may be specifically listed.)

You are hereby suspended with pay pending final determination of disciplinary action on-----
20___. Should you have additional questions, do not hesitate to contact this office.

Very truly yours,

Signature

Attachments

Note: Attach all documents from personnel folder which factually support grounds for termination.)

Note: Hand deliver or send by certified mail

[This Document was included in the Discipline and Due Process Manual as Appendix B]

NOTICE OF DISCIPLINARY SUSPENSION (SAMPLE)

MEMORANDUM

Date: August 3, 1990

To: (Disciplined Employee) Rank

From: Chief _____

Subject: Notice of Disciplinary Suspension

Having reviewed your statements presented during the *Skelly* hearing on _____, 20__, as well as investigator's Doe's reports concerning the incidents-occurring on _____ I have determined to sustain the proposed disciplinary action of a five (5) days suspension without pay. Effective _____ you will be suspended until and including _____.

The basis for this suspension is the city Municipal Code Section ____ which states in pertinent part that:

No person in the classified service shall be demoted, suspended or discharged from this position except for:

(10} Any other acts, or failures to act properly which bring discredit upon the city service or otherwise cause the employee to be unfit for the responsibilities of his position.

Specifically, our police department rules and regulations regarding general conduct set forth as follows:

Sec. 1. In matters of general conduct, members shall be governed by the ordinary and reasonable rules of behavior observed by law abiding and self respecting citizens and shall commit no act either on or off duty tending to bring reproach or discredit upon the department or its members.

Sec. 2. No member shall conduct himself in a manner, or be a party to any act, which would tend to impair the good order and discipline of the department.

STATEMENT OF DECISION

In reviewing your case, I considered the following issues:

1. Whether your conduct on _____ was of such nature as to bring discredit to the department in violation of the city's Personnel Ordinance and Departmental Rules as set forth above.

2. Whether the proposed five (5) day suspension was excessive given your previous performance record with the department and the department's disciplinary policies.

With respect to the first issue, I find that the evidence is sufficient to sustain the charges that your conduct did indeed discredit the department. During the *Skelly* hearing you presented very little evidence to rebut the factual findings of Detective Doe's investigation other than to present a possible alternative interpretation of the events. You did however, present some explanation for your actions. However, I do not find that your explanation completely absolves your actions. Thus, in finding no mitigating or rebutting circumstances, I must sustain the charges.

However, in considering your overall years of service with the department as well as the practice and policy in administrating disciplinary matters, I am sustaining the proposed discipline.

This decision is final and binding in accordance with our city's Personnel Rules and Ordinance. (Use if discipline is non-appealable)

or

In accordance with the city's Personnel Rules and Ordinance, you have _____ days to file your appeal if you wish to appeal this matter to the Civil Service Commission. (Use if discipline is subject to appeal.)

Cordially,

(signature)