

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

DIRECTIVE

No.: 1298
Issued: 7/26/12
Post Until: 8/26/12

This Directive replaces and supersedes Probation Directive 1251

SUBJECT: PRE DISPOSITION SETTLEMENT AGREEMENTS – REVISED

It is the policy of the Los Angeles County Probation Department to review allegations of staff misconduct and take appropriate corrective action in a fair and timely manner. As part of this philosophy, the Department has implemented Pre-Disposition Settlement Agreements (PDSA).

A PDSA may be offered at any point prior to the completion of a formal internal investigation.

WHO CAN INITIATE A PDSA?

A PDSA may be initiated by the following:

- Employee who is the subject of the investigation
- Employee's representative
- Employee's Manager or Bureau Chief
- Internal Investigations or Performance Management staff
- Office of Independent Review

However, just as with any settlement agreement, it is within the sole discretion of the department to make a firm offer of a PDSA. If the Department declines to offer an employee a PDSA, this will not be a basis for an appeal.

WHAT ALLEGATIONS ARE ELIGIBLE FOR A PDSA?

A PDSA shall be considered as a resolution for those cases where the facts appear to be straightforward and the misconduct would result in lower level discipline such as letters of warning or reprimand, or suspensions up to and including 15 days. A PDSA will generally not be considered in cases where the allegations of misconduct, if substantiated, would result in more than a 15 day suspension or a demotion or a discharge. Cases that must be referred to outside entities for investigation, such as sexual harassment cases, will generally not be eligible for PDSA.

HOW DOES A PDSA WORK?

An employee who wishes to settle his or her case—before an investigation has been initiated or completed—may approach their Manager and request a PDSA meeting. The Manager may also approach the employee to discuss a PDSA and explain why he/she believes a PDSA is an appropriate method to resolve the case. This initial meeting shall not result in a finalized agreement.

MANUAL HOLDERS: CROSS-REFERENCE YOUR MANUALS TO THIS DIRECTIVE WHERE APPROPRIATE

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Before extending a PDSA settlement offer specifying discipline to the employee, the Manager must send, via e-mail, a PDSA proposal to the Internal Investigations Manager. The email should be addressed to the Internal Investigations email address at: IA@probation.lacounty.gov. If Internal Investigations confirms that the case is "suitable" for a PDSA then the Manager discusses appropriate discipline/disposition with the Performance Management Unit. Before making a firm PDSA offer, the manager must receive the approval of a Bureau Chief or designee as well as Internal Investigations. Once the PDSA is approved, the Manager will meet with the subject employee, list the allegations and proposed discipline and determine the employee's willingness to utilize a PDSA to resolve the pending misconduct case. The Manager will give the employee a deadline (minimum five (5) business days) to respond to the offer. During this time period the employee is strongly encouraged to consult with their union representative prior to agreeing to the PDSA offer.

A PDSA meeting is not an investigatory interview and therefore, the Manager shall **NOT** ask the subject employee questions about the alleged misconduct (ensuring that no Peace Officer's Bill of Rights issues arise). At any time during the PDSA process the subject may consult his/her representative. If the employee accepts the PDSA then he/she will be asked to sign the agreement, acknowledging responsibility for his or her actions. The final executed PDSA waives the subject's right to appeal the imposed discipline.

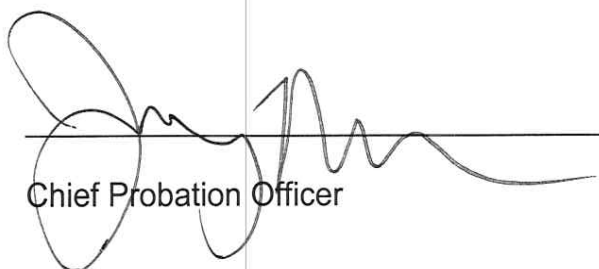
WHAT ARE THE BENEFITS OF A PDSA?

A PDSA resolves administrative cases early in the disciplinary process, thus saving time and conserving investigatory resources. Early resolution may result in an employee returning to his/her original work assignment if he or she had been temporarily reassigned pending completion of a formal internal investigation. A subject's early acceptance of responsibility for the misconduct will be considered a mitigating factor when determining the appropriate discipline. In addition, as part of the Settlement Agreement, the employee may be offered an Education-Based Discipline plan - an alternative to serving the imposed suspension days.

A PDSA is not intended to replace the investigation process and each employee who is the subject of an investigation maintains his or her right to the full investigation process. Employees also retain any and all rights as outlined in their respective MOUs including the rights to Skelly and Civil Service hearings where applicable if they choose not to accept a PDSA. If a PDSA offer is rejected, this does not preclude any future settlement of the case following completion of the investigation.

A PDSA is intended as an alternative to the traditional investigative and disciplinary process which offers benefits to both management and the employee.

If you have questions regarding this Directive, please contact the Internal Investigations Manager at (562) 940-3739.



Chief Probation Officer