

**COUNTY OF LOS ANGELES
PROBATION DEPARTMENT**

DIRECTIVE

No.: 1299 – REVISED
Issued: 7/27/12
Post Until: 8/27/12

SUBJECT: EDUCATION BASED DISCIPLINE

It is the policy of the Los Angeles County Probation Department to treat employees in a fair and consistent manner when administering corrective action. Education Based Discipline (EBD) is the latest tool that the Department intends to utilize in an effort to meet this goal. EBD is a companion piece to the previously issued Pre-Disposition Settlement Agreement (PDSA) Directive 1251 and EBD can be part of a PDSA. EBD is available to both sworn and non-sworn employees.

EBD can be offered when an employee must serve a suspension from duty as a result of some type of policy violation, but rather than serving the suspension days at home with a loss of pay, some or all of those days can be substituted for a relevant training class or classes. For example, if an employee was issued a 3-day suspension because of a low level policy violation, instead of serving a traditional 3-day suspension (with loss of pay) the employee may be offered an EBD plan and serve the suspension days by attending an EBD class. The employee benefits by not losing pay by agreeing to the EBD plan and the Department benefits by addressing the behavior with a corrective action that is more likely to prevent the behavior from re-occurring. The employee's master personnel file will reflect a 3-day suspension.

As with a PDSA, an EBD offer can be brought forth by any of the following:

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

Any of the allegations that are eligible for a PDSA are eligible for an EBD. There must be a nexus between the behavior for which the employee is being disciplined and the EBD class. Classes may be offered from our current STC curriculum, classes held by the Los Angeles County Sheriff's Department as part of their EBD program, or other classes as approved by the Department. Employees participating in EBD classes will be expected to follow the guidelines in Directive 1254, Staff Training and failure to adhere to those policies could result in a revocation of the EBD settlement.

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

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In addition, the following applies to the EBD policy:

- All EBD classes are on-duty;
- If an employee accepts EBD, he/she must complete all conditions of the EBD agreement within the specified time period, or will be required to serve the full suspension and loss of pay;
- Regardless of whether an employee agrees to EBD, all discipline is documented in the employee's master personnel file for purposes of progressive discipline;
- The employee is encouraged to participate in the process and to propose his/her own plan. However, the Department makes the final decision on discipline and EBD plans;
- The employee's rights are preserved while he/she chooses between suspension of pay or EBD. The employee has the right to seek representation to assist in reviewing an EBD proposal;
- All employees are eligible for EBD if they are issued a 1 – 5 day suspension. If the suspension is 6 days or more, EBD may be offered to satisfy all or part of the suspension, provided the employee has had no prior discipline for a similar offense;
- The Office of Independent Review may be consulted before the Department presents an EBD offer to an employee;
- Discharges and demotions are not eligible for EBD.

As with the PDSA, EBD is not a requirement and employees facing disciplinary action are under no obligation to request or accept EBD. EBD is simply another tool to streamline the disciplinary process and offer employees an alternative to traditional unpaid suspensions. Once an EBD agreement is finalized employees waive all further rights to appeal.

If you have questions regarding this Directive, please contact the Performance Management Office at (562) 658-1857.



Chief Probation Officer