

14.00.180 WAIVER OF DUE PROCESS RIGHTS

After a Standards Investigation has been authorized, the Chief of Police may authorize an offer for corrective action to be taken as a settlement in lieu of a Standards Investigation. This offer will only come from the Chief of Police at his/her discretion, and is not meant to routinely substitute for a Standards Investigation.

This settlement will be made in a written and signed form entitled, "Waiver of Due Process Rights". If accepted, the BPD, the employee involved, and if the employee is represented, the Guild/Association, will agree that, without further investigation, one of the following findings will be entered as a disposition depending on the facts of the initial investigation:

1. Sustained
2. Not Sustained
3. Exonerated
4. Withdrawn

Corrective Action for a sustained finding will be taken in the form of coaching/counseling/training; verbal reprimand; written reprimand; or a suspension.

In addition, the following terms and conditions will apply:

1. All parties will agree to this process in lieu of an investigation.
2. Neither the employee nor the involved Union will file a grievance or appeal of the sanction imposed regarding the allegations.
3. The terms of this Waiver will not establish a past practice and shall not form a labor relations precedent of any kind.
4. The subject employee will waive his/her right to a Loudermill/Due Process hearing in this case.
5. The subject employee as well as the Guild/Association will understand that the Waiver does not preclude the Bellevue Police Department from using the discipline imposed as part of the progressive discipline process in considering future discipline, as appropriate.
6. The subject employee and the Guild/Association will have a reasonable opportunity to read the entire Waiver and discuss its contents and meaning with a representative of their choosing.
7. The waiver of due process rights will be a free and voluntary act on the part of the subject employee.
8. The Waiver will become effective upon date of all final signatures.
9. The Chief of Police may withdraw the authorization for the Waiver of Due process at any time prior to the signing of the Waiver of Due Process form.