



ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1212

law enforcement officers; just cause

Purpose

Applies the just cause appeals process for officer terminations to demotions and suspensions lasting longer than 40 hours.

Background

A.R.S. § 38-1104 defines a law enforcement officer (officer) as most individuals who are certified by the Arizona Peace Officer Standards and Training Board, correction and detention officers, regularly employed police officers in cities and towns and regularly appointed and paid deputy sheriffs. Employers are prohibited from disciplining an officer unless there is just cause, which includes that the employer informed the officer of the possible discipline or the conduct was such that the officer should have known the discipline could occur; the discipline is related to the standards of conduct for an officer, the mission or operation of the agency or the officer's fitness for duty; the discipline is not excessive; a preponderance of the evidence supports that the conduct occurred; and the discipline is related to the seriousness of the offense and the officer's record (Laws 2010, Chapter 75).

Statute allows officers to appeal certain disciplinary action by their employer at a hearing before a state or local merit board, a civil service board, an administrative law judge or a hearing officer. Under specific circumstances, the officer's employer may amend, modify, reject or reverse the decision made at the hearing (A.R.S. § 38-1101). If the employer's action results in termination of the officer, the officer may bring an action in superior court for a new hearing on the termination. If the superior court finds that just cause for the termination did not exist, the superior court must order the officer reinstated to the officer's previous employment position and can award the officer monetary damages equaling no more than the officer's combined total of wages and benefits lost due to the termination (A.R.S. § 38-1104).

There is no anticipated fiscal impact to the state General Fund associated with this measure.

Provisions

1. Allows officers demoted or suspended for more than 40 hours to utilize the just cause appeals process currently in place for officer terminations.
2. Requires the hearing officer, administrative law judge or appeals board to state in every finding of disciplinary action whether or not just cause existed.

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3. Makes technical and conforming changes.
4. Becomes effective on the general effective date.

Prepared by Senate Research

January 30, 2012

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