



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 52.2

### TITLE: NEGOTIATED SETTLEMENT AGREEMENTS

**EFFECTIVE: 11/15/15**

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#### PURPOSE

The purpose of this policy is to define the use of a Negotiated Settlement Agreement (NSA) that allows for a more efficient resolution of an alleged misconduct violation or vehicle crash assessment without a formal hearing and applies consistency in the application of corrective action.

#### POLICY STATEMENT

1. Misconduct allegations do not require extensive investigation and adjudication when clear evidence demonstrates a violation, and the accused member does not contest the allegations. In such cases, a negotiated settlement can provide a more efficient, timely resolution that uses minimal Department resources. It is beneficial to all parties involved to resolve complaints as quickly as possible, without sacrificing the goals of the corrective action or disciplinary process.
2. Negotiated Settlement Agreements may utilize education-based discipline where training may help prevent future violations of a similar nature. Education-based discipline is designed to focus on behavioral change through education and training rather than the exclusive use of punishment. See **Chapter 52.5 – Disciplinary Matrix** for guidelines regarding the use of education-based discipline.
3. Negotiated Settlement Agreements are not a “right” or “entitlement.” At any point prior to the final approval by the Superintendent, the matter can be handled through the formal investigation process.
4. The Crash Review Board may utilize Negotiated Settlement Agreements (see also: **Chapter 13.22 – Crash Review Board**). For purposes of this Chapter, the Crash Review Board notification form follows the same procedure as the Misconduct Investigation Initiation form.
5. For purposes of this Chapter, in the case of a Departmental vehicle crash involving a negotiated settlement agreement, the following shall apply:
  - (a) The Deputy Chief of MSB performs the same duties as the Commander of PIB as outlined in this Chapter.
  - (b) The MSB Bureau Commander performs the same duties as the PIB Administrative Lieutenant as outlined in this Chapter.

- (c) The MSB Crash Screening Committee performs the same functions as the Public Integrity Bureau (PIB) as outlined in this Chapter.
- (d) The MSB Crash Screening Committee reporting secretary performs the same functions as the PIB Intake Supervisor as outlined in this Chapter.

## DEFINITIONS

**Criteria for NSA Eligibility Schedule**—A guide to be used by management in determining if the violation is appropriate for consideration under the Negotiated Settlement Agreement process (see Appendix).

**Minor violation/infraction**— A violation of a Departmental Rule, Policy, Procedure, Order, regulation, or verbal/written instructions that a supervisor believes requires minimal intervention through redirection, retraining and/or non-disciplinary counseling to correct the employee's behavior (e.g., tardiness, uniform requirement, forgetting to complete an FIC, and cleanliness of vehicle). The behavior must not be the subject of a public complaint and must be sufficiently minor that it is correctable by minimal intervention by the supervisor, with the goal of non-repetitive behavior. Repetition of a similar violation within a twelve-month period (based on the date of the observed violation) may require discipline. A supervisor may decide to handle a minor violation/infraction through non-disciplinary means.

**Penalty Schedule**—A guide to be used by management in determining the appropriate discipline to impose by type of violation committed (See **Chapter 26.2.1 – Disciplinary Matrix**).

**Presentation Meeting**—The first meeting, scheduled by the initiating Bureau and held as soon as practical but no more than five calendar days after receipt of the Public Integrity Bureau Disciplinary Resolution Form #302.

**Public Integrity Bureau Disciplinary Resolution Form (Form #302)**—Official Departmental form used to negotiate the settlement process for violations of the policies, rules or procedures of the Department, when job performance may have adversely affected the personal and property rights of others.

**Rank Initiated Complaint**—An alleged violation reported by an NOPD supervisor.

**Reflection Period**—A period of reflection during which the employee has up to five (5) calendar days to consider the findings and recommended sanction after being presented with the facts.

**Settlement Agreement**—An agreement between the employee and the Department to settle the complaint without the need for further investigation. A Negotiated Settlement is an agreement that the rank-initiated complaint is Sustained, and the resolution of the complaint shall be recorded as Sustained.

**Settlement Meeting**—The second and final meeting, occurring after the Presentation Meeting and a Reflection Period, where an employee, having been presented with the Public Integrity Bureau Disciplinary Resolution Form #302 makes a selection of the negotiated penalty or a disciplinary investigation.

**Waiver**—A written document wherein an employee voluntarily relinquishes a right or privilege otherwise provided for in established policy, rules or procedure.

## ELIGIBILITY AND SCOPE

6. For an accused employee to be eligible for negotiated settlement, the alleged violation must be minor. For purposes of this Chapter, a minor violation is defined as an infraction or set of infractions that are subject to discipline of a letter of reprimand to a maximum of ten days' suspension as categorized within the penalty schedule listed in **Chapter 52.5**

– **Disciplinary Matrix** and listed in the eligibility schedule listed in the Appendix.

Complaints eligible for negotiated settlement include those in which:

- (a) A minor violation is alleged that is listed in the Appendix;
- (b) The alleged violation relates only to the use, misuse, or failure to use a body-worn camera; or
- (c) The member has been involved in a Departmental vehicle crash where preliminary review has determined member culpability (see **Chapter 13.22 – Crash Review Board**) and the crash is not part of a vehicle pursuit as defined in **Chapter 41.5 – Vehicle Pursuits**.

## NECESSITY OF TRUTHFULNESS

7. The Negotiated Settlement Agreement process cannot be used or function without the complete and unwavering truthful admission of the employee. Employees are required to be honest and truthful at all times in their spoken, written or electronic communications. Employees shall truthfully answer all questions directed to them on the order of the Superintendent of Police, the Superintendent's designee, superior officer or any judicial, departmental, or other official investigative body.

## PARTICIPATION IN NSA PROCESS

8. To participate in the Negotiated Settlement Agreement process, officers shall agree to a 60-day extension of time per LA.R.S. 40:2531(B)(7) by affixing their signature(s) along with the signature of their Division-level Commander on the Civil Service Extension Request Form # 304.
9. Upon initiation of a formal investigation, the Public Integrity Bureau will determine if the alleged violation fits the criteria to be considered for the Negotiated Settlement Agreement process. If the alleged violation fits the criteria, the PIB Supervisor will be responsible for completing Part 1 of the Public Integrity Bureau Disciplinary Resolution Form #302, and attaching this form to the Misconduct Investigation Initiation form.
10. Upon approval of the Public Integrity Bureau Disciplinary Resolution Form #302 by the Commander of PIB, or his/her designee, it will be routed to the accused member's Bureau Liaison with the Misconduct Investigation Initiation form and the member's PIB Short Form (i.e., discipline summary).
11. For a flow-chart style diagram regarding the Negotiated Settlement Agreement process, refer to Appendix A of this chapter.

## PRESENTATION MEETING

12. The employee's Division-level Commander shall be responsible for conducting a meeting with the employee to present the allegations or findings of the investigation and a proposed resolution. This is known as the Presentation Meeting.
13. The Presentation Meeting shall be held as soon as practical but no more than 5 calendar days from receipt of the Misconduct Investigation Initiation form, the Public Integrity Bureau Disciplinary Resolution Form #302 and PIB Short Form by the Division-level Commander. The 5-calendar-day timeline begins upon receipt of the Public Integrity Bureau Disciplinary Resolution Form #302 from the Bureau liaison. This 5-calendar-day period gives time to provide ample notice to the accused employee in order to identify and secure the attendance of counsel or employee representative and to be fully prepared to discuss the matter. [The availability of an employee representative or counsel should not cause an unreasonable delay (i.e., not to exceed five days barring the

- request for extension) for the Presentation Meeting or any meeting]. The accused officer shall be provided a copy of the Police Officer's Bill of Rights under Civil Service Rules, including any right to a Departmental hearing.
14. When scheduling the Presentation Meeting, copies of the documentation used to determine the corrective or disciplinary action, along with the Misconduct Investigation Initiation form and Public Integrity Bureau Disciplinary Resolution Form #302, will be provided to the employee in order that he/she may prepare for the Presentation Meeting.
  15. The Presentation Meeting is the first meeting after completion of Part 1 of the Public Integrity Bureau Disciplinary Resolution Form #302.
  16. During the Presentation Meeting, the investigation involving an alleged violation of Departmental policy, procedure, or order will be reviewed and discussed. This meeting will be conducted by the employee's Division-level Commander.
  17. The employee will have three options at the Presentation Meeting:
    - (a) **Immediate resolution**—The employee may elect to immediately accept the sustained allegation and the recommended sanction as categorized within the Penalty Schedule listing under **Chapter 52.5 – Disciplinary Matrix**; or
    - (b) **Reflection period**—The employee may elect to have a period of reflection during which the employee has up to five calendar days to consider the findings and the recommended penalty. When an employee makes this selection, the employee's Division-level Commander shall require the employee's signature acknowledging receipt of Public Integrity Bureau Disciplinary Resolution Form # 302 and his or her obligations during the five-day reflection period; or
    - (c) **Request a case investigation**—The employee may elect to have the case investigated under normal procedure.
  18. Prior to the conclusion of the Presentation Meeting, a follow-up Settlement Meeting will be scheduled for the fifth day from the date of the Presentation Meeting for an employee opting for a Reflection Period (or as close thereto as practical without exceeding five calendar days) for final resolution.
  19. During the time prior to the scheduled Settlement Meeting, the employee shall consider the settlement proposal and be prepared to discuss the recommended penalty. The employee shall be prepared to make a decision at the Settlement Meeting. The employee should also secure the advice or attendance of any employee representative or counsel; however, the availability of an employee representative or counsel should not be cause to unreasonably delay any meeting.
  20. At any point prior to or at the Settlement Meeting, the matter may be resolved by settlement agreement.
  21. If any employee does not make a selection at or before the Settlement Meeting, the employer will be deemed to have selected a disciplinary investigation and the matter(s) pending shall be referred to an investigator.

## SETTLEMENT MEETING

22. The Settlement Meeting is the final meeting. The accused employee will not be allowed a third opportunity to consider the allegations.
23. At the Settlement Meeting, the accused employee and his or her representative, if applicable, can negotiate the recommended penalty. Every effort should be made by the employee and the accused employee's Division-level Commander to negotiate a settlement. The intention of the penalty is not to punish the employee for behavior, but to

correct the behavior so that it does not occur in the future. Cooperation from both parties is essential for the effectiveness of the discipline.

24. At the conclusion of the Settlement Meeting, the available results are:
  - (a) The employee accepts responsibility and the negotiated settlement. The employee and the Division-level Commander sign the Public Integrity Bureau Disciplinary Resolution Form #302 indicating resolution, or
  - (b) The employee does not accept responsibility and/or does not agree with the penalty determined through the penalty schedule. The applicable sections of the Public Integrity Bureau Disciplinary Resolution Form #302 will be completed.
25. If the accused employee is unable to reach a conclusion that he/she accepts responsibility for the sustained allegation(s) after the Presentation Meeting, Reflection Period and Settlement Meeting (or does not agree with the penalty determined through the Penalty Schedule), the applicable sections on the Public Integrity Bureau Disciplinary Resolution Form #302 will be completed to indicate referral to a disciplinary investigation consistent with Departmental policy.

### **EXTRAORDINARY CIRCUMSTANCES EXTENSION**

26. If the accused employee's Division-level Commander determines during the presentation or settlement process that extraordinary circumstances exist and that additional time for review and consideration of new information, or is otherwise indicated to be in the best interest of the Department or accused employee, the employee's Division-level Commander may request an extension of up to 10 additional calendar days with the approval of the Bureau Chief or the Superintendent of Police. The Division-level Commander shall complete Part 2, Section B of the Public Integrity Bureau Disciplinary Resolution Form #302.

### **CONFIDENTIALITY**

27. To assure the integrity of an ongoing investigation and prior to complaint resolution, the employee is required to maintain the confidentiality of the complaint or investigation. Failure to follow such instruction from an authoritative source shall be grounds for disciplinary action. Nothing herein shall preclude an employee from seeking appropriate representation or legal counsel.

### **RESOLUTION DISAGREEMENT**

28. If the accused employee has agreed to accept responsibility for his or her behavior but disagrees only with the extent of discipline proposed, every effort should be undertaken to resolve the disagreement without a formal investigation. The Division-level Commander or accused employee may request at any point in the process the assistance of the Public Integrity Bureau administrative lieutenant and/or Bureau Chief to assist with the negotiations to resolve the matter. However, if an acceptable resolution cannot be agreed upon, the case shall be returned to PIB for investigation.

### **ADDITIONAL INFORMATION**

29. At any time during the presentation or settlement process the employee may present exonerating or exculpatory evidence to the Division-level Commander for consideration.
30. Where the proposed sanction is not already agreed upon, or one or more of the parties involved feels PIB could offer assistance in reaching an agreement, PIB shall participate in the settlement negotiations.

31. A settlement agreement and/or complaint resolution can occur at any point between the receipt of the complaint and before the conclusion of a Disciplinary Hearing. However, once an investigation has been assigned, the Negotiated Settlement Agreement process will not interrupt an on-going investigation unless there is a complete admission of culpability by the accused officer.
32. A formal investigation may be conducted if the Public Integrity Bureau or the employee's supervisor receives any new information regarding the original matter.
33. The Penalty Schedule provides a range of penalties for proven or admitted allegations. The Penalty Schedule shall be used whether the employee elects to have a departmental hearing or agrees to a sanction through participation in the Negotiated Settlement Agreement.
34. No recommendation or settlement prescribed on the Public Integrity Bureau Disciplinary Resolution Form #302 shall be complete until approved and finalized by the Superintendent of Police.

### **REQUEST FOR SETTLEMENT NEGOTIATIONS BY EMPLOYEES**

35. Employees may request to participate in the Negotiated Settlement Agreement process after a complaint has been assigned to a PIB investigator. The employee shall be responsible for contacting the PIB Administrative Lieutenant to state his/her desire to participate in the process. The PIB Administrative Lieutenant shall determine if the complaint meets the criteria for participation in the Negotiated Settlement Agreement process. If so, the PIB Administrative Lieutenant shall contact the employee's Division-level Commander and assigned investigator to schedule a meeting for not more than 5 days from the date of the accused employee's notification.
36. The PIB Administrative Lieutenant will not be required to be present at the meeting unless requested by the employee of the Division-level Commander.
37. The PIB Administrative Lieutenant is integral in this process to ensure that the investigation is not interrupted and to ensure that presentation and settlement meetings are held within mandated time frames.

### **ALTERNATIVES TO SUSPENSION**

38. Upon mutual agreement by the Superintendent of Police and a disciplined employee, suspensions of up to five days may be deducted from the employee's accrued annual leave in lieu of suspension. Notifications of the action shall be made by the Office of the Superintendent of Police in order to facilitate all record keeping requirements affected by the action. The officer shall sign a Memorandum of Understanding (MOU) Form #303 to the agreed terms. Witnesses to the document may include the officer's attorney or representative, investigating officer, her or his commanding officer and the Superintendent of Police or his designee.
39. Upon mutual written agreement by the Superintendent of Police and the disciplined employee, an employee receiving a suspension of six days or greater may serve the suspension as a temporary reduction in pay for a specific period of time in lieu of not reporting to work for the number of suspension days received in lieu of suspension. This would result in the loss of wages the employee would normally realize immediately being distributed over multiple pay periods. This mutual written agreement, Memorandum of Understanding (MOU) Form #303 may include, but is not limited to, the following agreed terms:
  - (a) The Superintendent of Police, or his/her designee, shall determine the duration of the pay reduction, but in no case shall it exceed 12 months.

- (b) The employee will continue to report to duty as scheduled and there will be no necessity for any decommission or loss of benefits during this period for sworn personnel.
- (c) The pay reduction may be in the form of step or classification reduction and may be rounded to the nearest full day of work. Any rounding of wages shall be done in the favor of the accused employee.
- (d) Monthly accrual of vacation time and sick time will continue and will not be affected by this agreement.
- (e) During the pay reduction period any step or increment advancement in pay earned by the employee shall proceed as normal and shall not be affected by this agreement.

## SUSPENSIONS

- 40. When an employee's Division-level Commander recommends that the accused employee be suspended, **Chapter 52.5 – Disciplinary Matrix** shall be utilized as a guide to recommend an appropriate sanction. Resolution of the disciplinary action will not be complete and final until the Superintendent of Police has approved the Public Integrity Bureau Disciplinary Resolution Form #302.
- 41. Suspension times imposed shall be recorded in the employee's personnel file as such and shall remain a part of any calculation or consideration for the purpose of imposing or enhancing any future corrective action.
- 42. The imposed suspension days shall be considered for the purpose of determining the first, second and third offenses of departmental violations of rules, regulations, policies and laws.
- 43. The suspension time imposed shall be filed into the employee's personnel file, considered or taken into account on any promotional process, transfer process or any other Departmental or Civil Service eligibility criteria.
- 44. Any settlement agreement shall be subject to the approval of the Superintendent of Police.

## PUBLIC INTEGRITY BUREAU RESPONSIBILITIES

- 45. Upon receipt of an alleged violation by an employee, the Public Integrity Bureau (PIB) shall determine if the alleged violation fits the criteria to be considered for negotiated settlement.
- 46. To be eligible for negotiated settlement, the alleged violation must be rank-initiated and a minor violation. For purposes of this Chapter, a rank-initiated violation is a violation reported by an NOPD supervisor. For purposes of this Chapter, a minor violation is defined as an infraction or set of infractions that are:
  - (a) Subject to discipline only of reprimand to a maximum of ten days' suspension as categorized within **Chapter 52.5 – Disciplinary Matrix**.
  - (b) Listed in the Criteria for NSA Eligibility Schedule within the Appendix.
- 47. Complaints initiated by citizens shall not be eligible for negotiated settlement but may be eligible for a mediation for Credible Violation Infractions (see **Chapter 52.3 – Community-Police Mediation**).
- 48. If the allegation fits the criteria, the PIB Intake Supervisor will complete Part 1 of the Public Integrity Bureau Disciplinary Resolution Form #302 and attach it to the Misconduct Investigation Initiation form.
- 49. Once both forms are approved by the Commander of PIB, they will be forwarded to the

accused employee's Bureau Liaison.

50. A member of the Public Integrity Bureau shall attend any scheduled presentation and settlement meetings related to any case he/she is assigned at the request of the Division-level Commander or the accused employee.
51. Upon completion of the settlement process (with or without an amicable resolution), the Public Integrity Bureau Disciplinary Resolution Form #302 will be returned to PIB for processing.

### **BUREAU LIAISON RESPONSIBILITIES**

52. Upon receipt of the Public Integrity Bureau Disciplinary Resolution Form #302 by the Public Integrity Bureau, the Bureau Liaison shall notify the Division-level Commander on or before one working day of the receipt of the Public Integrity Bureau Disciplinary Resolution Form #302.
53. The Bureau Liaison shall be responsible for forwarding all documentation (Misconduct Investigation Initiation form or the Crash Review Board Notification in the case of a Departmental vehicle crash, PIB Internal Resolution Form, PIB Short Form and/or any applicable documents) to the Division-level Commander.

### **COMMANDER'S RESPONSIBILITIES**

54. The Division-level Commander shall notify the accused officer of the alleged violation and provide the accused officer with a copy of the Public Integrity Bureau Disciplinary Resolution Form #302, and any other documentation including the Department's Rules, Policies, Procedures regarding the alleged violation and penalty as categorized within PR 1021.
55. The accused officer shall be notified within two working days of receipt of the alleged complaint from the Bureau Liaison.
56. The Division-level Commander shall schedule a Presentation Meeting with the accused officer.
57. Prior to the Presentation Meeting, the Division-level Commander shall complete Part 2, Section A of the Public Integrity Bureau Disciplinary Resolution Form #302, providing a recommended disciplinary action, including an explanation.
58. Within 5 working days from receipt of the Public Integrity Bureau Disciplinary Resolution Form #302, the accused employee's Division-level Commander, the employee and the employee's representative (if applicable) shall conduct the presentation meeting.
59. The Division-level Commander will review with the accused employee the various procedural alternatives available under existing Rules, Policies and Procedures that the accused employee has available to resolve the matter.
60. If the accused employee accepts responsibility for the alleged violation and agrees with the proposed discipline, an immediate resolution is obtained. Part 2, Section C of the Public Integrity Bureau Disciplinary Resolution Form #302 must be completed and forwarded to the accused employee's Bureau Chief.
61. If a Reflection Period is requested by the accused employee, the Division-level Commander will allow the accused employee and his/her representative a five-calendar day period to reflect on the matter. Part 2, Section 'C' of the Public Integrity Bureau Disciplinary Resolution Form #302 shall be completed acknowledging the request for a



Reflection Period. A settlement meeting shall be scheduled before the presentation meeting ends. Additionally, the Division-level Commander shall ensure the officer agrees to and signs the Civil Service Extension Form #304 Request before the Presentation Meeting ends.

62. At the settlement meeting, the Division-level Commander may negotiate the proposed discipline. Part 3, Section A of the Public Integrity Bureau Disciplinary Resolution Form #302 shall be completed.
63. If a settlement is reached, Part 3, Section B of the Public Integrity Bureau Disciplinary Resolution Form #302 form must be completed with the signatures of the Division-level Commander and the accused employee indicating a settlement was reached. The form must be forwarded, through the chain of command, to PIB. The Crash Review Board shall receive a copy in the case of a Departmental vehicle crash. If a settlement is reached, the Division-level Commander shall also document whether the subject incident was in compliance with training and legal standards; whether the incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures; and whether the incident suggests that NOPD revise its policies, strategies, tactics, or training.
64. If a settlement is not reached, Part 3, Section B must be completed indicating a settlement was not reached by the Division-level Commander and the actual investigation will begin. The form will be forwarded through the chain of command back to PIB where the case will be promptly assigned for investigation. In the case of a Departmental vehicle crash in which a settlement is not reached, a copy of the form must also be sent to the Crash Review Board to schedule a hearing.

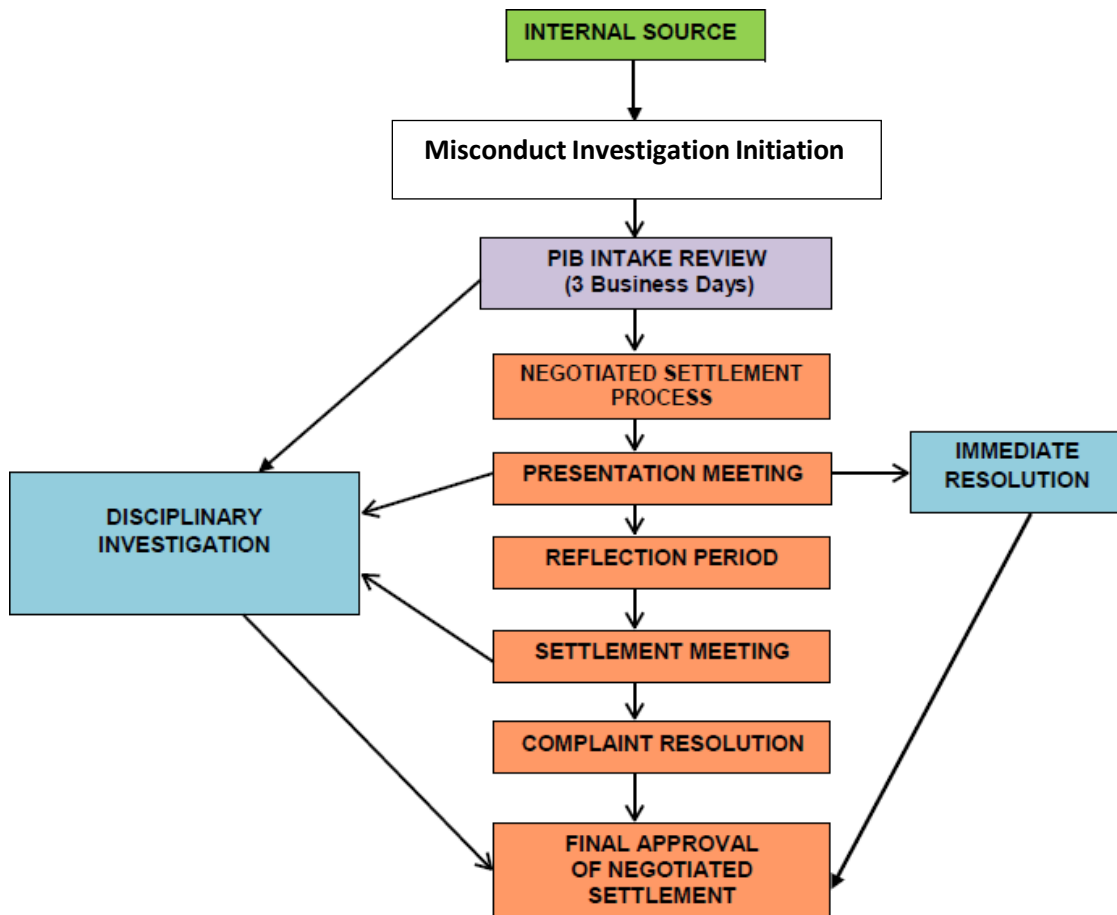
#### **ACCUSED EMPLOYEE'S RESPONSIBILITIES**

65. Upon notification of an alleged violation, the accused employee shall identify and secure the attendance of counsel or employee representative (if desired). The employee shall be fully prepared to discuss the allegations and proposed discipline presented at the Presentation Meeting.
66. During the Presentation Meeting, the accused employee shall review with the Division-level Commander the accusation and proposed disciplinary action. This is the time for the accused employee to offer any mitigating and/or exculpatory evidence for consideration by the Division-level Commander.
67. If the accused employee accepts complete responsibility for the alleged violation and the proposed discipline, an immediate resolution will have been met. The accused employee will complete Part 2, Section C of the Public Integrity Bureau Disciplinary Resolution Form #302. The accused employee shall understand the resolution will not be complete until approved by the Superintendent of Police.
68. The accused employee can request a Reflection Period of up to five days. The accused employee must complete Part 2, Section C of the Public Integrity Bureau Disciplinary Resolution Form #302 indicating the request for a Reflection Period.
69. The accused employee must then attend a Settlement Meeting (within five days from the date of the Presentation Meeting) for a final resolution. Once again, the accused employee may negotiate the recommended penalty.
70. If the accused employee does not accept complete responsibility for the alleged violation and proposed discipline at the settlement meeting, the employee must complete Part 3, Section B of the Public Integrity Bureau Disciplinary Resolution Form #302 indicating a settlement has not been reached. The accused employee will then be advised that a

disciplinary hearing, or Crash Review Board hearing in the case of a Departmental vehicle crash, will be conducted upon completion of an investigation if a sustained violation has been recommended.

71. The accused employee has the right to request an investigation into the alleged violation at any point during the Presentation, Reflection or Settlement meeting.
72. The accused employee's signature is required on the Public Integrity Bureau Disciplinary Resolution Form #302 in order to complete the process. The employee does have the right to note any disagreements and attach a separate statement if he/she wishes to do so.
73. The accused employee shall maintain confidentiality of the complaint and settlement process.

**APPENDIX A: CRITERIA FOR NSA ELIGIBILITY SCHEDULE - OFFENSES ALLOWED BY NEGOTIATED SETTLEMENT AGREEMENT**



**COMPLETION OF FORM**

<b>FORM COMPLETION</b>	<b>PIB REVIEW</b>	<b>PRESENTATION MEETING</b>	<b>SETTLEMENT MEETING (after reflection period)</b>	<b>EXTENSION – EXTRAORDINARY CIRCUMSTANCES</b>	<b>TIME FRAME FOR COMPLETION (Report to Resolution by Settlement)</b>
Without undue delay at completion of Intake Investigation	3 Business Days	No more than 5 calendar days after completion of an approved form.	On or before the 5 <sup>th</sup> calendar day from the Presentation Meeting	Up to 10 additional calendar days with the approval of the Bureau Chief	Ten (10) calendar days. (Maximum 20 days with extraordinary circumstances)

**APPENDIX B: CRITERIA FOR NSA ELIGIBILITY SCHEDULE - OFFENSES ALLOWED BY NEGOTIATED SETTLEMENT AGREEMENT****RULE TWO - MORAL CONDUCT****2:(1) ADHERENCE TO LAW**

- Traffic Offense – On Duty/Off Duty – Police Vehicle
- Traffic Offense – On Duty/Off Duty – Private Vehicle
- Municipal: Off-Duty (Personal)
- Municipal: On-Duty
- Municipal: Off-Duty (Color of Law)

**2:(2) COURTESY**

- On Duty/Off Duty – Color of Law

**RULE THREE - PROFESSIONAL CONDUCT****3:(1) PROFESSIONALISM**

- On Duty
- Off Duty – Under Color of Law Off Duty - Personal

**3:(3) NEATNESS AND ATTIRE**

- On Duty

**3:(9) USE OF ALCOHOL / OFF DUTY**

- Off Duty

**3:(11) USE OF TOBACCO**

- On Duty

**3:(13) SOCIAL NETWORKING WEBSITES, FACEBOOK, MYSPACE, PRINT OR TRANSMITTED MEDIA, ETC.**

- On Duty/Off Duty

**RULE FOUR - PERFORMANCE OF DUTY****4:(1) REPORTING FOR DUTY**

- On Duty

**4:(2) INSTRUCTIONS FROM AUTHORITATIVE SOURCE**

- On Duty/Off Duty
- 

**4:(3) DEVOTING ENTIRE TIME TO DUTY**

- On Duty

**4:(4) NEGLECT OF DUTY-GENERAL/SUPERVISORY RESPONSIBILITY/**

**ENUMERATED ACTS/OMISSIONS****(4a) NEGLECT OF DUTY - GENERAL**

- On Duty/Off Duty – Color of Law

**4(c) ENUMERATED ACTS/OMISSIONS**

- On Duty/Off Duty – Color of law

**4:(6) LEAVING ASSIGNED AREA**

- On Duty

**4:(7) LEAVING CITY ON DUTY**

- On Duty

**4:(9) SAFEKEEPING OF VALUABLES BY POLICE DEPARTMENT**

- On Duty

**4:(10) ESCORT FOR VALUABLES OR MONEY**

- On Duty

**RULE FIVE - RESTRICTED ACTIVITIES****5:(6) ACTING IN CIVIL MATTERS**

- On Duty/ Off Duty

**5:(8) CIVIL SUITS BY MEMBER**

- On Duty/Off Duty

**5:(10) TESTIFYING ON BEHALF OF DEFENDANTS (CRIMINAL OR CIVIL PROCEEDINGS)**

- On Duty/Off Duty

**5:(13) REWARDS**

- On Duty/Off Duty

**RULE SIX - OFFICIAL INFORMATION****6:(1) SECURITY OF RECORDS**

- On Duty/Off Duty

**RULE SEVEN - DEPARTMENT PROPERTY****7:(1) USE OF DEPARTMENT PROPERTY**

- On Duty/Off Duty

**7:(2) AUTHORIZED OPERATOR OF DEPARTMENT PROPERTY**

- On Duty/Off Duty

**7:(3) CLEANLINESS OF DEPARTMENT VEHICLE**

- On Duty/Off Duty

**7:(4) USE OF EMERGENCY EQUIPMENT**

- On Duty/off Duty

**7:(6) OPERATIONS MANUAL**

- On Duty/Off Duty

**7:(7) SURRENDERING DEPARTMENT PROPERTY**

- On Duty/Off Duty