

	<b>CLAY COUNTY SHERIFF'S OFFICE</b>		<b>Policy 323</b>
	<b>SUBJECT: INSUBORDINATION</b>	Approved by: Sheriff Will Akin 09/20/2022	
	ISSUED: 09/29/2016	REVISED: 09/20/2022	CANCELS:
	CALEA References:		

### 323.1 PURPOSE AND SCOPE

- (a) Employment is a mutual exchange of interests and benefits between management and its members. In exchange for the privilege of employment and paid compensation, management has the right to expect members to willfully perform the duties and tasks of their positions or any other tasks lawfully assigned and to achieve effective and efficient performance results.
- (b) Insubordination and insubordinate behavior are recognized by labor practices to be among the most serious offenses. If insubordination is allowed to go unchecked, management loses its ability to direct its work force. It shall be the policy of the Clay County Sheriff's Office to require that personnel willfully and cooperatively observe and comply with all verbal and written departmental directives.

#### 323.1.1 DEFINITIONS

- (a) **Insubordination** – when a member is capable of performing but refuses to do a job or comply with a lawful verbal or written directive.
- (b) **Members** - all employees of the Clay County Sheriff's Office whether full or part time, reserves, volunteers, and all members of the Clay County Investigative Squad (CCIS)

### 323.2 POLICY

- (a) Members shall willfully observe and obey the lawful verbal and written rules, duties, policies, procedures, and practices. Members shall also subordinate their personal preferences and work priorities to lawful verbal and written rules, duties, policies, procedures and practices as well as to the lawful orders and directives of supervisory personnel.

### 323.3 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would not be considered an act of Insubordination:
  1. Leaving an assigned area in situations where duty requires it and a reasonable effort to contact the supervisor has failed.
  2. Refusing to obey unlawful directives. Note: A mere belief that a directive is unlawful will not protect a member's job if such belief is deemed unreasonable, unsubstantiated or unfounded in a subsequent hearing.



### **323.4 NONEXCLUSIVE LISTING OF VIOLATIONS**

(a) The following is a nonexclusive list of behavior that would be considered an act of Insubordination:

1. Being absent without leave (AWOL) for a scheduled reporting time or from an assigned duty. (Note: See Standard Clay County Sheriff's Office Standard Operating Policy, Absenteeism and Patterns Thereof, for a nonexclusive listing of examples that constitute AWOL.)
2. Deliberately defying management's legitimate exercise of its rights.
3. Refusing to cooperate fully in a complaint or administrative investigation.
4. Inciting members to react negatively to a lawful management directive, or criticizing management decisions creating a substantial risk of disrupting the work of another or affecting another's morale.
5. Leaving an assignment or assigned duty area without permission of the supervisor in charge.
6. Refusing to accept, directly or constructively, management's lawful directives or decisions. Note: This standard does not require that the member agree with such directives.
7. Refusing to follow the requirements for the use of light duty or sick leave.
8. Refusing to perform assigned work duties or tasks for the position being held.
9. Refusing to report to a place of duty at the designated time and location.
10. Refusing to sign a required document (e.g., a mission statement, oath of office, medical release label, performance evaluation review, disciplinary report, and the like.)
11. Refusing to submit to a lawful examination of body fluids or a chemical test when lawfully directed to do so.
12. Refusing to subordinate personal preferences to a supervisor's lawful directives or work instructions.
13. Refusing to turn in a report as specifically directed to do so by a directive or the verbal request of a supervisor.
14. Refusing to work reasonable amounts of overtime or refusing to work overtime in an emergency situation. (Note: Having an established pattern of sick use and suddenly calling in sick prior to such assignments is substantial evidence of a violation of this rule.)
15. Repeatedly being unable to be contacted for call-out when given standby notice.
16. "Working to Rule" or using the tactic of habitually asking for specific clarification of rules or directives that has the effect of slowing down work or frustrating supervisors or other members of the work unit.

### **323.5 ENFORCEMENT GUIDELINE**

(a) Insubordination is the cardinal offense in labor relations practices because it goes against the very purpose of work. Therefore, the enforcement guideline is severe. Personnel who behave in a manner that violates this standard of conduct are subject to termination if the member's refusal leads to serious consequences or significantly undermines the supervisor's authority and work relationship with the member or others. Progressive discipline starting at suspension up to and including termination may be considered for all other conditions.