



### **3-47 ACCEPTANCE OF DISCIPLINARY ACTION AND RIGHT TO APPEAL**

#### **Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

A. Related SOP(s)

[3-45 Due Process Notification to Personnel](#)

[3-46 Discipline System](#)

B. Form(s)

None

C. Other Resource(s)

Agreement Between the City of Albuquerque and Local 3022 AFSCME, Council 18, AFL-CIO

Agreement Between the City of Albuquerque and Prisoner Transport Officers City of Albuquerque and Albuquerque Clerical and Technical Employees, Affiliated with the American Federation of State, County, and Municipal Employees (AFSCME, Local 2962, AFL-CIO, CLC)

City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement

City of Albuquerque Personnel Rules and Regulations, Section 900 Mediation-Disciplinary Actions-Grievance Resolution and Appeal

ROA 1994, § 3-1-25 Appeal from Suspension, Demotion and Discharge

D. Rescinded Special Order(s)

None

#### **3-47-1 Purpose**

The purpose of this policy is to guide Department personnel in their acceptance of disciplinary action and their right to appeal disciplinary action taken against them.

#### **3-47-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to provide methods whereby Department personnel can appeal disciplinary action taken against them.

#### **N/A 3-47-3 Rules**

A. Right of Appeal



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATION ORDERS

SOP 3-47

Effective: 01/12/2022

Review: 01/12/2023

Replaces: 01/15/2016

All final disciplinary actions that result in any reprimand, loss of pay, loss of seniority, suspension, demotion, termination, or an allegation of an arbitrary and capricious management decision may be appealed to the Chief Administrative Officer (CAO) as outlined in the City's Merit System Ordinance, Section 3-1-25, or City of Albuquerque Personnel Rules and Regulations, Section 900.

6

B. Acceptance of Findings by Accused

1. Department personnel shall be presented with the final decision letter by the Area Commander/Division Head, Deputy Chief, Superintendent of Police Reform, or the Chief of Police, conducted in accordance with Standard Operating Procedure (SOP) Discipline System and SOP Due Process Notification to Personnel (refer to SOP Discipline System and SOP Due Process Notification to Personnel for sanction classifications and additional duties).
2. Department personnel shall either voluntarily accept or reject the penalties in writing.
  - a. By signing, the employee acknowledges receiving the document, not in agreement.
3. If Department personnel accept the findings of the final decision, they shall sign the acceptance and the final decision letter shall be forwarded to the Internal Affairs Professional Standards (IAPS) Division.

C. Appeal of Findings/Penalties by Accused

If not accepted, Department personnel shall refer to the appropriate provisions for the appeal process in the City's Merit System Ordinance, City of Albuquerque Personnel Rules and Regulations, and/or the employee's current union contract.