



REPORTING OF ARRESTS OR CONVICTIONS

PM-62-25

Section: 62-00, MISCELLANEOUS PERSONNEL POLICIES

I. PURPOSE AND SCOPE

The purpose of this policy is to provide reporting guidelines to employees who are the subject of a criminal investigation, arrest, indictment and/or conviction or incarcerated for any reason based on their conduct. This policy shall apply to all City of Memphis Government employees, including grant-funded.

II. POLICY

All City of Memphis Government employees are required to report to their immediate supervisor any arrest(s) and/or criminal conviction(s) by the next business day. However, police and fire personnel must comply with their reporting requirements. Employees convicted may be subject to discipline up to and including termination in accordance with this policy based on the alleged misconduct. Under no circumstances may an employee be in paid status while incarcerated, including police and fire personnel.

III. PROCEDURES

- A. An employee must immediately notify his/her immediate supervisor or other member of management if he/she is the subject of a criminal investigation, arrest, indictment and/or conviction or incarcerated for any reason. Notification shall be by written communication to the employee's immediate supervisor or other member of management and must include the alleged conduct, charge, date, time, jurisdiction of the alleged occurrence and any other relevant information. However, if the employee is unable to provide written notification due to incarceration, notification may be provided by telephone to an immediate supervisor. The employee must keep the immediate supervisor or member of management informed of the progress and final disposition of the charge.
- B. The employee's immediate supervisor or other member of management will report the notification to his/her Division Director and the Director of Human Resources.



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- C. If an employee fails to notify his/her immediate supervisor or designee as per this policy, the employee shall be subjected to additional discipline. This additional discipline may lead to termination.
- D. If an employee loses a license or certification as a result of the criminal conviction, termination is warranted.
- E. An employee who is convicted and as a result of the conviction is sentenced to either jail, house arrest, work release, electronic monitoring, weekend time, non-consecutive sentencing or any other type of penal restrictions will be placed in unpaid leave status pending the outcome of his/her fact finding hearing on the alleged misconduct.
- F. The immediate supervisor or designee will determine if discipline should be administered by using the following criteria:
 - 1. The relationship of the conduct to the employee's position;
 - 2. The nature and seriousness of the conduct, including mitigating circumstances surrounding the conduct;
 - 3. Whether the employee's conduct violates other Personnel Manual Policies; and
 - 4. The reflection on the City of Memphis Government.
- G. It is the responsibility of the employee to abide by this policy. Likewise, it is the responsibility of management to ensure that all employees under his/her supervision are aware of this policy and that such employees are expected to abide by this policy.
- H. The Human Resources Division in consultation with other parties as appropriate is responsible for the interpretation of this policy.

DEFINITIONS:

- 1. **Conduct:** Personal behavior, whether by action or inaction; the manner in which a person behaves.
- 2. **Misdemeanor:** A crime that is less serious than a felony and is usually punishable by fine, penalty, forfeiture or confinement in a place other than prison, such as a county jail. Traffic or Moving violations are excluded from this policy's notification requirement.
- 3. **Misconduct:** A dereliction of duty; unlawful or improper behavior



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4. **Felony:** A serious crime usually punishable by imprisonment for more than one year or by death.

REFERENCES:

PM 38-01
PM 38-02
PM 38-03
PM 38-04