

**LAW ENFORCEMENT MERIT SYSTEM COUNCIL  
SUBSTANTIVE POLICY STATEMENT #1-2005**

**DISCIPLINARY PROCEDURES  
120-DAY RULE TIME COMPUTATION  
R13-5-702-C.1**

The Law Enforcement Merit System Council (Council) adopted rules relating to disciplinary procedures and time limits for filing a disciplinary action. Specifically R13-5-702(C)(1), which deals with criminal holds and the computation of the 120-day time limit.

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this Substantial Policy Statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

This Substantive Policy Statement is to inform the general public and employees under the jurisdiction of the Council, of the Council's interpretation of this rule relating to the computation of time when an employee is on extended leave.

Rule R13-5-702.C.1. states "The 120-day time limit does not run during any criminal investigation by the employee's agency, or any other agency, if the disciplining agency informs the business manager of the pending criminal investigation and provides the business manager with all relevant case numbers and any other information requested by the Council."

After several requests from Internal Affairs for extensions of the 120-Day Rule, due to employees being on extended leave, the Council felt it was necessary to conduct a rule change to amend the 120-day rule so that time spent on extended leave will not count toward the 120-day time limit, similar to the way it is done when a case is on criminal hold.

The Council determined that the 120-day time limit does not run during any period of time an employee, who is the subject of an investigation, is absent from the agency on extended leave, if that absence prevents the agency from proceeding with the normal investigation and disciplinary review process. Time spent on extended leave will not count toward the 120-day time limit; similar to the way it is done when a case is on criminal hold. It shall be the responsibility of the agency to maintain sufficient documentation to support placing the investigation on hold.

Approved and entered into the minutes on April 28, 2005.