

REFERENCE TITLE: disciplinary action; appeal; superior court

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1493

Introduced by
Senator Payne

AN ACT

AMENDING SECTIONS 38-612, 38-1004 AND 38-1106, ARIZONA REVISED STATUTES;
RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-612, Arizona Revised Statutes, is amended to
3 read:

4 38-612. Administration of payroll salary deductions

5 A. There shall be no payroll salary deductions from the
6 compensation of state officers or employees except as specifically
7 authorized by federal law or regulation or by a statute of this state. An
8 administrative agency of this state may not authorize any other deduction.

9 B. Notwithstanding subsection A of this section, reductions to
10 retroactive payroll compensation are authorized pursuant to section
11 38-1106, subsection ~~L~~ L, paragraph 5.

12 C. In addition to those payroll salary deductions required by
13 federal law or regulation or by statute, state officers or employees may
14 authorize deductions to be made from their salaries or wages for the
15 payment of:

16 1. Premiums on any health benefits, disability plans or group life
17 plans provided for by statute and any existing insurance programs already
18 provided by payroll deduction.

19 2. Shares or obligations to any state or federally chartered credit
20 union established primarily for the purpose of serving state officers and
21 employees and their families.

22 3. Dues in a recognized association composed principally of
23 employees and former employees of agencies of this state, subject to the
24 following criteria:

25 (a) When composed of at least one thousand state employees other
26 than employees of the state universities, the department of public safety
27 and academic personnel of the Arizona state schools for the deaf and the
28 blind.

29 (b) When composed of at least twenty-five percent of the academic
30 personnel or of the nonacademic employees of any state university.

31 (c) When composed of at least twenty-five percent of the academic
32 personnel of the Arizona state schools for the deaf and the blind.

33 (d) When composed of at least four hundred state employees who are
34 certified as peace officers by the Arizona peace officer standards and
35 training board established by section 41-1821.

36 (e) When composed of a combined total of at least eight hundred
37 state employees described in subdivision (d) of this paragraph, state
38 employees of the state department of corrections and state employees who
39 are law enforcement officers.

40 4. Deferred compensation or tax sheltered annuity salary reductions
41 when made under approved plans.

42 5. Federal savings bond plans.

43 6. Recurrent fees, charges or other payments payable to a state
44 agency under a collection plan approved by the director of the department
45 of administration.

1 7. Except as provided in subsection G of this section,
2 contributions made to a charitable organization:

3 (a) Organized and operated exclusively for charitable purposes and
4 selected by the presidents of the state universities. Employees of the
5 state universities shall be advised by form of the charitable
6 organizations to which the employees may contribute through payroll salary
7 deductions. The advisory provided under this subdivision shall be
8 substantially similar to the following and prominently printed:

9 "You may contribute to any charitable organization registered under
10 internal revenue code section 501(c)(3), tax exempt status.

11 _____
12 Charitable organization name"

13 This subdivision applies only to academic personnel and nonacademic
14 employees of the state universities.

15 (b) Organized and operated exclusively for charitable purposes,
16 provided a fund drive by such an organization shall be applicable to all
17 state agencies except the state universities covered under subdivision (a)
18 of this paragraph and no state officer or employee of state agencies
19 subject to this subdivision may authorize more than one deduction for
20 charitable purposes to be in effect at the same time. This subdivision
21 applies to all state agencies except the universities covered under
22 subdivision (a) of this paragraph.

23 8. Contributions made for the purpose of contributing to a
24 fundraising campaign for a university or a club for faculty or staff, or
25 both, which is recognized by the university president and authorized by
26 the Arizona board of regents. This paragraph applies only to academic
27 personnel and nonacademic employees of the state universities.

28 9. Charges payable for transportation expenses pursuant to section
29 41-710.01.

30 10. Payments ordered by courts of competent jurisdiction within
31 this state.

32 11. Automobile or homeowner's insurance premiums.

33 12. Premiums for the following state-sponsored group benefits that
34 are established primarily for the purpose of serving state officers and
35 employees and their families:

36 (a) Long-term care insurance.

37 (b) Critical care insurance.

38 (c) Prepaid legal services.

39 (d) Identity theft protection services.

40 13. A computer system as defined in section 13-2301 for personal
41 use.

42 D. In order for the department of administration to establish and
43 maintain a dues deduction pursuant to subsection C, paragraph 3 of this
44 section, the department of administration may establish and maintain the
45 deduction without the appropriation of any additional monies or

1 technological improvements. The department of administration shall track
2 all personnel hours dedicated to dues deduction. The department of
3 administration may charge a fee to a recognized association that qualifies
4 under subsection C, paragraph 3 of this section for establishing the
5 automatic dues deduction and anytime changes are needed in the automatic
6 dues deduction system as a result of an increase or decrease in
7 association dues. If the membership criteria of a recognized association
8 fall below the criteria set forth in subsection C, paragraph 3 of this
9 section, the recognized association shall be on probation for one
10 year. If the membership of a recognized association falls below the
11 criteria set forth in subsection C, paragraph 3 of this section for more
12 than one year, or if the members of the association engage in a work
13 slowdown or work stoppage, the dues deduction authorized by this section
14 shall immediately be discontinued.

15 E. For those state officers and employees under payroll systems
16 that are under the direction of the director of the department of
17 administration, the director shall provide for the administration of
18 payroll deductions for the purposes set forth in this section. For all
19 other state officers and employees and for persons receiving allowances or
20 benefits under other state payroll and retirement systems, the appropriate
21 state officer shall provide for such administration of payroll deductions.
22 Such administration shall operate without cost or contribution from the
23 state other than the incidental expense of making the deductions and
24 remittances to the payees. If any payee requests additional services, the
25 director of the department of administration or any other appropriate
26 state officer may require payment for the additional cost of providing
27 such services.

28 F. As a means of readily identifying the employee from whom payroll
29 deductions are to be made, the state officer administering payroll
30 deductions may request an employee to enter such employee's social
31 security identification number on the payroll deduction authorization.
32 Such number shall not be used for any other purpose.

33 G. There shall be no payroll salary deductions from the
34 compensation of state officers or employees for contributions made to a
35 charitable organization that performs a nonfederally qualified abortion or
36 maintains or operates a facility where a nonfederally qualified abortion
37 is performed for the provision of family planning services. For the
38 purposes of this subsection, "nonfederally qualified abortion" means an
39 abortion that does not meet the requirements for federal reimbursement
40 under title XIX of the social security act.

41 H. The state, the director of the department of administration or
42 any other appropriate state officer shall be relieved of any liability to
43 employees authorizing deductions or organizations receiving deductions
44 that may result from authorizations pursuant to this section.

1 Sec. 2. Section 38-1004, Arizona Revised Statutes, is amended to
2 read:

3 38-1004. Appeals; hearings

4 A. A classified law enforcement officer who is suspended, demoted
5 or dismissed by the department head, after a hearing and review before the
6 merit system council, may have the determination of the council reviewed
7 pursuant to title 12, chapter 7, article 6 in the superior court of the
8 county in which the law enforcement officer resides. If the determination
9 of the council is overruled by the court, the law enforcement officer
10 shall be reinstated in the officer's position and the officer shall be
11 reimbursed for any compensation withheld pending determination by the
12 council and court.

13 B. If the order of the department head was for a suspension greater
14 than sixteen hours, demotion or dismissal and the court exonerates the
15 officer, the court may award, in whole or in part, the reasonable costs
16 and attorney fees that the law enforcement officer incurred or were
17 incurred on behalf of the law enforcement officer in the court
18 proceedings. The award of attorney fees by the court shall not exceed
19 \$15,000. An award of attorney fees does not apply if either of the
20 following applies:

21 1. The order of the department head was not for disciplinary
22 purposes but was for administrative purposes such as a reduction in force.

23 2. The disciplinary action related to off-duty activities unrelated
24 to the required duties of the law enforcement officer. If the department
25 head appeals the decision of the court, the court's award of any costs or
26 attorney fees to an officer shall be stayed pending the conclusion of the
27 appeal. If the department head's decision is upheld on appeal, the award
28 of costs or attorney fees in favor of the officer shall be reversed.

29 C. If a law enforcement officer of a county, city or town described
30 in section 38-1007 appeals from a decision of a department head in
31 connection with the law enforcement officer's suspension greater than
32 sixteen hours, demotion or dismissal and the county, city or town
33 maintains a merit system or civil service plan for its employees, and the
34 merit system or civil service plan appeals board exonerates the officer,
35 the merit system or civil service plan appeals board may award, in whole
36 or in part, the reasonable costs and attorney fees that the law
37 enforcement officer incurred or were incurred on behalf of the law
38 enforcement officer in connection with the appeal. The amount of the
39 award by the merit system or civil service plan appeals board shall not
40 exceed \$10,000. If the department head appeals the decision of the merit
41 system or civil service appeals board, the award of attorney fees shall be
42 stayed pending the conclusion of the appeal. If the officer appeals to
43 court the decision of the merit system or civil service plan appeals
44 board, or of the city or town council or board of supervisors if the city,
45 town or county has no such board, and the court exonerates the officer,

1 the court may award, in whole or in part, the reasonable costs and
2 attorney fees that the law enforcement officer incurred or were incurred
3 on behalf of the law enforcement officer in connection with the appeal.
4 The award of attorney fees by the governing body or court shall not exceed
5 \$15,000. An award of attorney fees under this subsection does not apply
6 if either of the following applies:

7 1. The order of the department head was not for disciplinary
8 purposes but was for administrative purposes such as a reduction in force.

9 2. The disciplinary action related to off-duty activities unrelated
10 to the required duties of the law enforcement officer. If the department
11 head appeals the decision of the court, the court's award of any costs or
12 attorney fees to an officer shall be stayed pending the conclusion of the
13 appeal. If the department head's decision is upheld on appeal, the award
14 of costs or attorney fees in favor of the officer shall be reversed.

15 D. A department head shall have the right to have all council
16 policies and decisions reviewed pursuant to title 12, chapter 7, article 6
17 in the superior court of the county in which the law enforcement officer
18 resides and legal counsel for the department head shall be provided by the
19 county or city attorney in whose jurisdiction the department lies.

20 E. Notwithstanding section 38-1106, subsection ~~J~~ K, any appeal of
21 a suspension, demotion or dismissal in which a single hearing officer or
22 administrative law judge has been appointed by the merit system council or
23 appeals board to conduct the appeal hearing shall be open to the public
24 unless the hearing officer or administrative law judge determines that
25 good cause exists to close the hearing.

26 Sec. 3. Section 38-1106, Arizona Revised Statutes, is amended to
27 read:

28 38-1106. Appeal of disciplinary actions; transcripts; change
29 of hearing officer or administrative law judge;
30 burden of proof; superior court appeal; final
31 disposition report; exception

32 A. In any appeal of a disciplinary action by a law enforcement
33 officer, the parties shall cooperate with each other, act in good faith
34 and exchange copies of all relevant documents and a list of all witnesses
35 pursuant to the following time periods and requirements:

36 1. Within fourteen calendar days after the employer's receipt of a
37 written request from the law enforcement officer for a copy of the
38 investigative file that is accompanied by a copy of the filed notice of
39 appeal, the employer shall provide a complete copy of the investigative
40 file as well as the names and contact information for all persons
41 interviewed during the course of the investigation.

42 2. Not later than fourteen calendar days before the appeal hearing,
43 the parties shall produce and serve on every party the following
44 information:

1 (a) The name of each witness whom the disclosing party expects to
2 call at the appeal hearing, with a designation of the subject matter on
3 which each witness might be called to testify. A witness may decline an
4 interview. The parties shall not interfere with any decision of a witness
5 regarding whether to be interviewed. An employer shall not discipline,
6 retaliate against or threaten to retaliate against any witness for
7 agreeing to be interviewed or for testifying or providing evidence in the
8 appeal.

9 (b) The name and contact information of each person who has given
10 statements, whether written or recorded or signed or unsigned, regarding
11 matters relevant to the notice of discipline and the custodian of the
12 copies of those statements.

13 (c) Copies of any documents that may be introduced at the hearing
14 and that have not previously been disclosed.

15 3. The duty to disclose information continues to exist throughout
16 the process and up to the end of the appeal process.

17 B. It is unlawful for a person to disseminate information that is
18 disclosed pursuant to subsection A of this section to any person other
19 than the parties to the appeal and their lawful representatives for
20 purposes of the appeal of the disciplinary action. This subsection does
21 not prohibit the use of the information in the hearing or disclosure
22 pursuant to title 39, chapter 1, article 2.

23 C. If a transcript is required in an administrative hearing, the
24 employer shall obtain the transcript and provide a copy to the law
25 enforcement officer within ten calendar days after the employer's receipt
26 of the transcript.

27 D. Failure to comply with the requirements of subsection A or B of
28 this section shall result in the exclusion of the witness, evidence or
29 testimony, unless the failure to comply is because of excusable neglect.

30 E. The employer or the law enforcement officer may seek a
31 determination by the hearing officer, administrative law judge or appeals
32 board hearing the appeal regarding any evidence that the employer or the
33 law enforcement officer believes should not be disclosed pursuant to
34 subsection A of this section because the risk of harm involved in
35 disclosure outweighs any usefulness of the disclosure in the hearing. In
36 determining whether evidence will be disclosed, the hearing officer,
37 administrative law judge or appeals board may perform an in camera review
38 of the evidence and may disclose the material subject to any restriction
39 on the disclosure, including the closing of the hearing or the sealing of
40 the records, that the hearing officer, administrative law judge or appeals
41 board finds necessary under the circumstances.

42 F. In any appeal of a disciplinary action by a law enforcement
43 officer in which a single hearing officer or administrative law judge has
44 been appointed to conduct the appeal hearing, the law enforcement officer
45 or the employer, within ten calendar days after the appointment of the

1 hearing officer or administrative law judge, may request a change of
 2 hearing officer or administrative law judge. In cases before the office
 3 of administrative hearings or if the employer is a county, city or town,
 4 on the first request of a party, the request shall be granted. A city or
 5 town with a population of less than sixty-five thousand persons or a
 6 county with a population of less than two hundred fifty thousand persons
 7 must provide, if necessary to comply with this subsection, for an
 8 alternate hearing officer by means of an interagency agreement with
 9 another city, town or county. If the law enforcement officer is the party
 10 who requested the alternate hearing officer, the law enforcement officer
 11 shall reimburse the city, town or county for one-half of any additional
 12 expenses incurred by the city, town or county in procuring the alternate
 13 hearing officer under the interagency agreement. If an alternate hearing
 14 officer is requested by means of an interagency agreement, the hearing
 15 officer shall provide to the law enforcement officer or employer the
 16 option of continuing the hearing for an additional ten calendar days. Any
 17 subsequent requests may be granted only on a showing that a fair and
 18 impartial hearing cannot be obtained due to the prejudice of the assigned
 19 hearing officer or administrative law judge. The supervisor or
 20 supervising body of the hearing officer or administrative law judge shall
 21 decide whether a showing of prejudice has been made.

22 G. The employer has the burden of proof in an appeal of a
 23 disciplinary action by a law enforcement officer.

24 H. The hearing officer, administrative law judge or appeals board
 25 may take into consideration violations of this article as mitigation in
 26 determining discipline.

27 I. FOR ALL DISCIPLINARY ACTIONS ON APPEAL OTHER THAN FOR
 28 TERMINATION OF A LAW ENFORCEMENT OFFICER, except where a statute, rule or
 29 ordinance makes the administrative evidentiary hearing the final
 30 administrative determination and after a hearing where the law enforcement
 31 officer and the employer have been equally allowed to call and examine
 32 witnesses, cross-examine witnesses, provide documentary evidence and
 33 otherwise fully participate in the hearing, an employer or a person acting
 34 on behalf of an employer may amend, modify, reject or reverse the portion
 35 of a decision made by a hearing officer, administrative law judge or
 36 appeals board that was arbitrary or without reasonable justification. The
 37 employer or person acting on behalf of the employer shall state the reason
 38 for the amendment, modification, rejection or reversal.

39 J. NOTWITHSTANDING ANY OTHER LAW, FOR ALL DISCIPLINARY ACTIONS OF
 40 TERMINATION OF A LAW ENFORCEMENT OFFICER, EITHER THE LAW ENFORCEMENT
 41 OFFICER OR THE EMPLOYER MAY APPEAL ANY DISCIPLINARY ACTION DECISION BY A
 42 HEARING OFFICER, ADMINISTRATIVE LAW JUDGE OR APPEALS BOARD TO THE SUPERIOR
 43 COURT. THE ACTION SHALL BE HEARD IN A TRIAL DE NOVO.

44 ~~J.~~ K. Notwithstanding chapter 3, article 3.1 of this title, all
 45 hearings pursuant to this section shall be open to the public. Executive

1 sessions allowed pursuant to section 38-431.03 shall be limited to legal
2 advice to a personnel appeals board or for deliberations.

3 ~~K.~~ L. A law enforcement officer who prevails in an appeal where a
4 termination has been reversed shall be awarded retroactive compensation
5 from the date of the officer's separation to the date of reinstatement.
6 The hearing officer, administrative law judge or appeals board hearing the
7 appeal shall determine the amount of retroactive compensation awarded and
8 any reduction to that amount. Retroactive compensation may be reduced:

9 1. If there is undue delay in setting a hearing date caused by the
10 law enforcement officer or the law enforcement officer's representative.

11 2. If the law enforcement officer requests a continuance.

12 3. If there exists a period between separation and reinstatement
13 that the law enforcement officer would have been unable to perform the
14 duties of a law enforcement officer.

15 4. By any amount earned by the law enforcement officer in
16 alternative employment.

17 5. If the hearing officer, administrative law judge or appeals
18 board finds that the law enforcement officer's action or misconduct
19 warrants suspension or demotion.

20 ~~L.~~ M. The hearing officer, administrative law judge or appeals
21 board shall state in every finding of disciplinary action whether or not
22 just cause existed for the disciplinary action.

23 ~~M.~~ N. The hearing officer, administrative law judge or appeals
24 board shall document in the record those circumstances where the hearing
25 officer, administrative law judge or appeals board determines that a party
26 has clearly violated a party's obligation under this section.

27 ~~N.~~ O. Immediately after a law enforcement officer receives the
28 final disposition of an appeal of a disciplinary action, the
29 administrative law judge, hearing officer or presiding authority shall
30 provide a final disposition report that includes the final decision and
31 any amended findings of fact to the law enforcement agency that initiated
32 or imposed the discipline.

33 ~~O.~~ P. A law enforcement agency that receives a final disposition
34 report shall include the final disposition report in the agency's original
35 investigation record. If the law enforcement agency provided a
36 prosecuting agency with information that was obtained during the
37 investigation of the law enforcement officer for the prosecuting agency's
38 rule 15.1 database AS DEFINED IN SECTION 38-1119, the law enforcement
39 agency shall forward the final disposition report to the prosecuting
40 agency.

41 ~~P.~~ Q. This section does not apply to a law enforcement officer who
42 is employed by an agency of this state as an at will employee.