

Governing Directives: Oath of Office

Abstract:

This learning article concerns the executive power of using the Oath of Office as an employment contract.

The Oath keeps the responsibility for performance on the Oath Takers. The expressed and implied values and work-ethics contained in The Oath surpass all other employment directives (e.g., rules, regulations, policies, practices). A list of actions to establish the Oath as the basis for all employment decisions is given. A short exam to assess employees' understanding is included.

Oath of Office

The Oath of Office for sworn personnel is a solemn promise that creates a legal responsibility for the Oath Taker. Oath Takers are compelled to give their best efforts to honor the expressed and implied duties and responsibilities required of their positions and jobs. While the wording may vary, all police oaths contain the same intended duties and responsibilities.

1. I do **solemnly swear** (or affirm) that I will support the Constitution of the United States and the Constitution of this state, and that **I will faithfully discharge the duties of the office of _____** according to the best of my ability..." (Constitution of the State of Michigan 1835).¹
2. I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that **I will well and faithfully discharge the duties of the office on which I am about to enter. So help me, God."** (Ohio)
3. **On my honor, I will never betray my badge, my integrity, my character, or the public trust.** I will always have the courage to hold myself and others accountable for our actions. I will always uphold the Constitution, my community, and the agency I serve. (The International Association of Chiefs of Police Oath of Honor).
4. I, (name) do solemnly affirm that I will bear true faith and allegiance to, and will uphold and defend the Constitution of the United States of America and the Constitution of the Commonwealth of Massachusetts and that I will oppose the

¹ Requiring an employee to "swear, or to swear to God" is a religious test (see *Torcaso v. Watkins*, 367 U.S. 488, 1961). Many states have amended their oath and have either dropped the reference to God and/or require a pledge of allegiance to the principles in federal and state constitutions.

overthrow of the Government of the United States of America or this Commonwealth by force, violence, or by any illegal or unconstitutional methods. **I will faithfully and impartially discharge and perform all the duties incumbent on me as a Police Officer in the Police Department of [agency name]** so help me God. (Massachusetts)

5. I solemnly swear that I will faithfully support the Constitution and laws of the United States of America and the Constitution and laws of the State of Hawaii and **that I will conscientiously and impartially discharge my duties as a police officer in the police department of the City and County of Honolulu, State of Hawaii, and all other duties devolving upon me in connection with such office. So help me, God."** (Honolulu Police Department).
6. I swear (or affirm) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that **I will, to the best of my skill and judgment diligently and faithfully**, without partiality or prejudice, execute the office of police officer according to the Constitution and laws of this State." (Greenbelt Police Department Maryland)
7. I solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that **I will discharge the duties of my office with fidelity.** ²

Unfortunately, the Oath of Office is often seen as one of those documents members are exposed to when first hired, signed, put into a file, and seldom seen or referred to again. ³

The facts are that the Oath is the single and most enforceable performance standard upon which the employer-employee relationship can be based. As such, violations of the Oath are akin to malfeasance, misfeasance, or nonfeasance and subject the offender to suspension and termination. ⁴

It is well within management's authority to strengthen enforcement of the Oath of Office by broadening its scope to include violations of single or multiple numbers of management directives (e.g., rules, regulations, policies, or procedures).

² Fidelity is defined as: faithful to one's duties. Synonyms include: adhesion, allegiance, attachment, commitment, constancy, dedication, devotedness, devotion, faith, faithfulness, fastness, fealty, loyalty, piety, steadfastness, and the like.

³ Possible exceptions exist for Sheriffs' deputies may who are re-sworn in after elections.

⁴ Example: Ohio Revised Code: Police officers may be suspended for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, other failure of good behavior, or any other acts of misfeasance, malfeasance, or nonfeasance in office. Ohio Rev. Code Ann. § 124.34.

Actions

1. Inform employees that the Oath requires that they *give their best efforts* to uphold the Oath's standards at all times and under all circumstances.
2. Ensure employees understand that while their **best efforts** are always required, their best must satisfy their positions and the jobs.⁵
3. Corrective counseling should always reference standards expressed and implied in the Oath.
4. Require employees who commit serious infractions and are retained to re-take the Oath and, given documented notice, any further transgressions will result in immediate termination.
5. Display the Oath in a prominent location on employee bulletin boards.

Test Instructions:

1. Select and copy this Test Code into your clipboard: **A2JFHM5**
2. Click on the following URL and when asked, type in your rank and name and paste the Test Code in the designated area.

<https://www.classroomclipboard.com/621091>

⁵ (2014). *Best Efforts Defined: Black's Legal Dictionary* United States -: Thomson Reuters. Page 391