Grant County Fire Protection District 3

POLICY AND PROCEDURE

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1. NUMBER: 5.3.04

2. SUBJECT: ***Disciplinary Action***

3. POLICY: This District is a semi-military organization in character and its personnel must be well-disciplined in the sense that they must obey orders as given, in a way to further the public's prestige of Grant County Fire District 3. Good discipline produces an instinctive, habitual and uniform performance of required tasks, even under the stress of emergencies or danger. Also, in the course of the firefighter's work, there may be many temptations that might arise that must be resisted. Only good discipline can give the strength to so resist.

4. SCOPE: This Policy and Procedure is applicable to all personnel of Grant County Fire District 3.

5. RESPONSIBILITIES:

   A. The District Fire Chief is responsible for enforcing the provisions of this Policy and Procedure.

   B. Officers, or acting officers, are to see that the personnel under their supervision obey the regulations set forth in this guide. Any dereliction of duty shall be reported in the form of a complaint (in writing) to the District Fire Chief.

6. DEFINITIONS:

   A. CLASS ONE ACTIONS: Any form of formal counseling, oral reprimand or required certification of retraining.

   B. CLASS TWO ACTIONS: Any written reprimand, suspension or dismissal.

7. PROCEDURE:

   A. All Officers are charged with the responsibility of maintaining proper conduct and discipline. They shall:

      1. Maintain an atmosphere which will develop and maintain good individual management relations and efficient, safe work production.
      2. Keep subordinates informed of rules, regulations, and standards of conduct; and by their actions will provide the proper example.
      3. Take all possible steps to prevent situations which might lead to disciplinary action.
      4. Make every effort to resolve problems to the satisfaction of all concerned

by using their resources or those made available to them in the Policy and Procedures contained in the District Manual.

5. Gather and analyze all facts and carefully consider circumstances before recommending disciplinary action.
6. Constructively counsel subordinates individually and in private, whenever possible; except, that when they deem it necessary, they may have a witness present.
7. Use those methods available to him/her to correct and rehabilitate any District personnel who has become borderline in his/her performance and/or attitude.
8. When circumstances warrant, admonish the individual or initiate a more appropriate disciplinary action by forwarding a Statement of Formal Charges to the District Fire Chief.

B. The District Fire Chief shall maintain discipline and administer disciplinary actions equitable within all units under his command. The District Fire Chief shall:

1. Ensure all personnel are informed of the policies, rules, regulations, and administrative instructions.
2. Maintain an awareness of the attitude and conduct of the people under his supervision.
3. Investigate all formal charges initiated by subordinate officers to determine the validity of the charges and the appropriateness of the penalty.
4. When circumstances warrant, admonish or formally reprimand personnel or initiate a more appropriate disciplinary action.

C. The Immediate Supervisor shall administer disciplinary actions within all units of the District. He shall also provide means of making known to all personnel under his jurisdiction the Policies and Procedures and other conditions of employment which they must observe. Final adjudication of all recommended disciplinary actions shall be made by the District Fire Chief, except where appeal to the Board of Commissioners is specifically provided.

D. Class one actions:

1. The Immediate Supervisor shall inform the individual in question that an investigation is being conducted; investigate the reported violation thoroughly and establish the facts; and if the reported violation did occur:
   a. Using the table of offenses and penalties establish the class of disciplinary action.
   b. If the facts indicate the violation did not occur, indicate such in a written report and forward it to the District Fire Chief.
2. Class one actions will be administered by the immediate supervisor.

3. A copy of the action will be forwarded to the District Fire Chief for review and processing.

E. Class two actions:

1. The supervisor shall inform the individual in question that an investigation is being conducted; investigate the reported violation thoroughly and establish the facts.
2. If the accused individual is not subordinate to the reporting party the reporting party shall submit a written memo to his/her supervisor.
3. If a complaint is via phone, it shall be forwarded in writing. Should that not be possible refer the caller to the District Fire Chief.
4. If an individual discovers violations by his/her supervisor, he/she is authorized to contact the District Fire Chief.
5. If the District Fire Chief is the reported violator the subordinate is authorized to contact the Chairman of the Board of Commissioners.
6. Forward a written report of the findings of fact to the District Fire Chief or Chairman as appropriate.
7. The District Fire Chief (Chairman) shall review and confirm all information in the forwarded report.
8. The District Fire Chief (Chairman) shall prepare a formal report of disciplinary action. The disciplinary action shall be administered by the District Fire Chief (Chairman).
9. Actions of suspension without pay and discharge shall only be administered by the Board of Commissioners.
10. The Department Secretary shall file all reports of proceedings in the individuals personnel file.

F. Standards of Conduct:

1. In the interest of the District and the public it is desirable at all times whether off duty or on that conduct reflect favorably on the individual, and the District. Off duty misconduct may result in disciplinary action when it renders an individual less capable of performing their duties and responsibilities, or when it reflects unfavorably upon the District or the individual continuing qualifications for service. It is the Districts position to place as few restrictions on individual personal conduct as possible. The District relies on the individual’s good judgment and sense of responsibility as the principal source of guidance for conducting day to day duties and responsibilities. However, for the protection of the District's business interest and other personnel, certain rules of conduct have been established. The rules are formalized in Policy & Procedure, Tactical Action Guidelines and General Directives to minimize the likelihood of personnel becoming subject to disciplinary action.

G. Principals of Discipline:

1. Discipline encompasses all aspects of supervision which correct, mold, strengthen or guide individuals toward greater productivity and satisfactory adjustment to working relationships. An atmosphere of discipline is achieved through instruction, good example and practice, which influences individuals to abide by Policy & Procedure or other adopted standards of conduct. It also helps to aid them in controlling their emotions and developing correct habits of conduct.
2. Good Discipline Is The Essence Of Effective Teamwork! It has as its objective self-discipline or that control which is self-motivated. Supervisors can stimulate this self-discipline by giving subordinates the chance to express themselves on matters affecting them and considering their views. Self-discipline is further enhanced by individuals recognizing firm and decisive leadership that is consistently fair and equal in treatment to all.

H. Types of Discipline:

1. **Positive Disciplinary**: Actions are actions taken to attempt to correct problems, rather than actions taken against individuals. Such actions may include counseling, certification for retraining and or extended probation.
2. **Oral Reprimands:** These may be given for minor offenses or to bring to the attention of an individual's potential work performance problems. Oral reprimands must include an explanation of the violation or the problems and the request for corrective actions on the part of the individual. A notation of each oral reprimand shall be placed in the file and maintained by the District for future reference. A copy of said notation shall be given to the individual.
3. **Written Reprimand:** This is a formal District memorandum prepared by a Supervisor and approved by the District Fire Chief. A written reprimand may be given for a more serious offense or when someone who has been orally reprimanded for a minor offense or problem in his or her work performance repeats them or fails to take corrective actions. At a minimum the written reprimand should contain a statement of the facts, the statement of the discipline being given, an explanation by the accused and the reason for the violation and the required corrective action on the part of the individual. It should further include a definite time period within which the corrective action shall be taken. It should also include a statement indicating that further disciplinary action may follow if correction is not achieved. The reprimand shall be signed by the individual issuing it as well as the individual to whom it is issued. Following the review of the reprimand a copy shall be given to the individual to whom it was issued, and the original placed in that individuals personnel file.

4. **Suspension (With Pay):** This is the immediate removal with appropriate pay, benefits and seniority of an individual from further duty. This suspension may be used to protect all parties during times of investigation of reported violation. A suspension with pay will be issued only by a Career Chief Officer and may be verbal however, a written follow up must be forwarded to the individual within one working day. Although this action in itself does not constitute a disciplinary action, further action may follow.
5. **Suspension (Without Pay):** This is defined as a final warning issued for serious infractions of the rules of conduct which are not deemed sufficient enough to justify discharge or for repeated offenses or failure to correct an action for which a written reprimand was previously given. Suspension without pay is time off without pay and is specifically for disciplinary reasons and will be for as long as the District determines is reasonable and necessary for the given violation. (Not to exceed 30 calendar days.) In each case of disciplinary suspension, a written memo shall be prepared indicating the event or events which led to the suspension, the duration of the suspension and a statement indicating the required corrective actions on the part of the person. If appropriate, the individual's explanation or comments and a statement indicating that this is a "Final Warning" and further indicating that the individual will be discharged upon the occurrence of another infraction or unless corrective action is not taken within a stated time period. The memo shall be signed by the individual it is being issued to and a witness who shall be present at the time of the discussion. It shall also be signed by the District Fire Chief with copies forwarded to the Board of Commissioners. After review with the individual, a copy of the memo is to be given to the individual and the original is to be placed in their personnel file. NOTE: SUSPENSIONS WITHOUT PAY SHALL BE AS DIRECTED ONLY BY THE BOARD OF COMMISSIONERS.
6. **Discharge:** This is when the District feels that the nature of the violation warrants discharge or if the discharge is a result of the disciplinary procedures where the desired corrective action was not achieved by one or all of the previous steps. The District Fire Chief will prepare a written account. The written report shall include the reasons for the discharge and information on any previous warnings or disciplinary actions which may be relevant. It shall include a brief summary of the individuals past performance record and length of service with the District and any other relevant information. Before a final decision is made regarding discharge, a pre-termination hearing shall be convened.
7. **Immediate Dismissal:** Is the immediate involuntary termination of employment. The table of offenses and penalties contain examples of such offenses however, this list is not all inclusive. Before a final decision is made regarding a discharge the District will convene a pre-termination hearing

I. Pre-Termination Hearing: The individual shall be provided with a written notice of the charge or charges for termination and the summary of the Districts finding of facts. The individual shall be given an opportunity to respond to these charges either orally or in writing and to explain why the District should not proceed with the discharge. The District Fire Chief's explanation or the District evidence should be sufficient to inform the individual of the basis of the discharge. This procedure shall not be construed to limit the District at any subsequent hearing or proceeding from presenting a more detailed or complete case. Should the District desire to proceed with the discharge or some alternative disciplinary action, the District will give the individual written notice of the disciplinary action within 5 days.

J. Authority For Initiating Disciplinary Action:

1. Any Officer can recommend disciplinary action and issue Class I disciplinary action.
2. The District Fire Chief can issue Class I and Class II disciplinary action, up to suspension (without pay).
3. The Board of Commissioners can suspend (without pay) and discharge employees.
4. The Board of Commissioners is the final Grant County Fire District 3 authority on matters of discipline and any individual who feels he or she is unjustly disciplined may ultimately appeal the decision to the Board of Commissioners. Such appeal must be filed in writing within ten working days of the notification of disciplinary action.
5. Nothing in this procedure shall limit the Board of Commissioners from access to technical assistance, legal counsel or similar outside help.

K. Choosing an Appropriate Disciplinary Action:

1. In many situations which may call for corrective actions, a wide variety of actions are available ranging from a discussion with an individual through discharge from service. Some of the considerations that are necessary prior to the selection of an appropriate disciplinary action include:
   a. Reasonableness; any disciplinary action demands the exercise of responsible judgment so that an individual will not be penalized disproportionately to the character of the offense. This is particularly true of someone who has a previous record of satisfactory service.
   b. Uniformity in disciplinary action.
2. The table of offenses and penalties assures that comparable penalties are imposed throughout the organization for like offenses. It explains the offenses and ranges of penalties for a first, second and third offense. For offenses not listed, penalties consistent with those shown in the table will

be imposed for offenses of comparable seriousness.

3. The table should not be used mechanically, supervisors must consider the circumstances carefully when evaluating offenses and penalties. They should take into account the work history of the individual, contributions to the District and the opportunity to rehabilitate an individual, as well as elements of enticement or provocation and the consequences of the offense. The supervisor should always consider the extent to which the penalty will serve as a constructive example to others. Each case must be considered individually.
4. In arriving at the appropriate degree of penalty, only offenses for which penalties were imposed within the proceeding 3 years will be used to determine whether a 2nd or 3rd offense occurred. Before disciplinary action is taken against any individual for a 2nd offense, the determination must be made that a penalty was assessed for a first offense. Likewise, prior to penalty for a 3rd offense the determination must be made that penalties were issued for a first and second offense. When an individual commits a series of offenses over a period of time, or a combination of different offenses at the same time, a greater penalty than is listed for a single offense may be imposed. Whether to apply the penalty within the range of second or third offense will be determined by the total number of offenses committed and the relative degree of all of the offenses.

L. Appeal Process:

1. If the District Fire Chief did not issue the final disciplinary action, the accused may appeal in writing to the District Fire Chief within ten business days after receiving notification of the final disciplinary action. The District Fire Chief shall render a written decision to the accused within ten business days after the receipt of the appeal of the final disciplinary action.
2. If the final disciplinary action was issued by the District Fire Chief or if the appeal involves a person dissatisfied with the decision of the District Fire Chief, the final disciplinary action may be appealed to the Board of Commissioners. This appeal must be filed in writing with the Board of Commissioners within ten business days after the District Fire Chief's decision has been received. The Board of Commissioners shall have 45 business days after receiving such appeal to investigate and render their written decision to the person.
3. If the disciplinary action shall be concurred, the accused may appeal the decision to the Court of Original and Unlimited Jurisdiction in a Civil Suit.

M. Hearings and Investigations:

1. The procedure of any hearing or investigation shall be informal and shall

not be restricted as to deny the introduction of any evidence pertinent to the individual case. Unless incapacitated, the accused shall appear personally and shall not be excused from answering questions (personally or through counsel) and supplying information except upon claim of constitutional privilege in respect to self-incrimination.

2. Any hearing or investigation involving personnel shall be held in an Executive Session of the Board of Commissioners, unless there is a request by the accused for an open public meeting.
3. The accused may file, in writing, with the District Fire Chief, a complaint against any disciplinary action decision of any privilege or right involving personal matters. These incidents shall be immediately referred to the Board of Commissioners.

See Appendix 05_03_04