

Chapter 3-6

Standard Operating Policy for Disciplinary Procedure

Effective 01-19-05

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1. Purpose

This SOP outlines the process to be used for administering disciplinary actions to PVFD members.

2. Scope

This SOP applies to all PVFD members.

3. The Discipline Process

Discipline is not to be considered the same as punishment. The purpose of the disciplinary procedure is to cause a change of behavior in order to correct an improper action committed by a person. If discipline is administered properly, the member being disciplined will learn a lesson and their mistake will not be repeated. As stated before, this is not the same as punishment. The phrase "learn a lesson" means just that. It does not mean that a member who makes a mistake should be punished or harmed in order to "teach a lesson".

The disciplinary process is used in an incremental way. This means that the severity of the disciplinary action will escalate in steps based on the severity and number of occurrences of the offense. For offenses that occur greater than 3 times, the penalty for the 4th and greater offenses will be a repeat of the 3rd offense penalty, subject to the rules as outlined later in this SOP.

Disciplinary actions are documented in each individual's personnel file. This file is accessible only to Chief Officers and the individual upon request. This file is updated throughout the individual's tenure with PVFD. Disciplinary documents are kept or removed based on the level of the discipline and when the discipline occurred.

During times where the ICS system is in effect, the discipline procedure is initiated by the Line Officer who is directly responsible for the member in need of discipline. During non-incident times, the disciplinary procedure is initiated by the Line Officer who witnesses the offense, or who is first called upon to deal with the situation. This Line Officer must investigate and evaluate the situation. The officer will enact the lowest level of discipline that corresponds to the offense and that the officer thinks will handle the situation. If time permits, the officer should consult another Line Officer to confirm the best course of action to take.

During PVFD incidents, if a member commits an act that will jeopardize the safety of the operation at hand, an officer may enact the clause of "*Immediate Remedy*". This means that the member who committed the offense may be removed from the scene until such time that the offense may fully investigated. If the offending member resists the Immediate Remedy action, the Line Officer shall immediately notify the next highest Line Officer in the chain of command. The offending member shall then be escorted from the scene by their Company Officer and be sequestered until the emergency incident is under control. If Immediate Remedy is enacted, the highest-ranking PVFD officer on the scene will be consulted to decide the proper course of discipline after the incident is over.

4. Definitions

Verbal Threats or Harassing Statements: Statements, including written, e-mail, or page messages, that seriously alarm, annoy, intimidate or harass a person or which could cause a reasonable person to suffer mental distress; or threats to commit any act likely to result in substantial damage to property.

Insubordination: Actions or statements which reflect a member's refusal to be supervised including, but not limited to, direct refusal to obey a supervising officer's order or deliberate failure to follow directions and instructions.

Freelancing: Deliberately performing actions outside of the directions of the chain of command, especially during PVFD incidents. Abandoning an assignment before completion without cause for safety reasons shall be considered a form of freelancing.

Misconduct: Improper behavior that would be recognizable by a prudent person which is not specifically addressed in PVFD policy. The behavior must be shown to be detrimental to tangible items or events or detrimental to the mission and stature of the PVFD.

5. Levels of Disciplinary Action

1. *Coaching and Counseling:* This is the process of having a discussion with the member in order to bring an offense to their attention. This is essentially a focused training session. Coaching and Counseling is used as a first step for dealing with minor offenses. Coaching and Counseling sessions shall be documented by placing a note in the member's personnel file. The note shall remain for one year from the date of occurrence. Individual Coaching and Counseling sessions should not be considered formal discipline. However, 4 Coaching & Counseling sessions on the same subject within 1 year will cause the 4th to be upgraded to an oral warning.

2. *Oral Warning:* An oral warning is the first level of formal discipline for relatively minor offenses. The Line Officer giving the warning should inform the member in private that they are receiving an oral warning and the member is being given the opportunity to correct the problem. The oral warning should be documented by the Line Officer with a note that will stay in the member's personnel file for 2 years from the time of occurrence. The note must state the following:

- Date of occurrence of problem
- Brief description of problem, including list of witnesses
- Date when oral warning was issued
- Corrective action or suggestions given to prevent future problem
- Signature of warned member to acknowledge they understand and concur with the note

3. *Written Reprimand:* Written reprimands are used when a member disobeys repeated oral warnings, or for more severe first offenses. Reprimands will remain in the member's personnel file permanently. The officer issuing the reprimand must document it by writing a narrative with the following information:

- Date of occurrence of problem
- Description of problem, including list of witnesses and witness statements
- Date when reprimand was issued
- Corrective action or suggestions given to prevent future problem
- Signature of warned member to acknowledge they understand and concur with the narrative.

4. *Suspension:* A suspension is imposed for severe infractions of rules or for violations occurring after the member has received oral warnings or written reprimands and has failed to correct the error or improve the behavior. This discipline should be applied after

a thorough evaluation of the circumstances by those in the member's chain of command at the time of the occurrence.

The Fire Chief shall determine the length of the suspension based on the nature of the violation. The minimum suspension is 24 hours. The maximum suspension is one month. If 3 suspensions are given to a member for the same type of offense within 1 year, the third suspension will be upgraded to dismissal.

5. *Dismissal*: A dismissal is used for the most severe violations of PVFD policies or procedures, or for cases in which a member refuses to correct behavior despite prior disciplinary action or for cases where a member commits more than one type of serious infraction. This punishment represents the judgement of the administration of PVFD that the member cannot be rehabilitated. Once a member suffers dismissal, they are barred from any future involvement with the PVFD.

6. Violations and Disciplinary Actions

Failure to report a suspended or revoked driver's license

1st: Written reprimand 2nd: 15 day suspension 3rd: Dismissal

Driving a PVFD vehicle with suspended or revoked license

1st: 15 day suspension 2nd: Dismissal

Misdemeanor theft of PVFD property (< \$300.)

1st: Written reprimand and restitution 2nd: 15 day suspension and restitution
3rd: Dismissal

Felony theft of PVFD property (> \$300.)

1st: 30 day suspension and restitution 2nd: Dismissal

Intentional destruction of PVFD property or equipment

1st: 30 day suspension and restitution 2nd: Dismissal

Unauthorized use of PVFD equipment or property

1st: Coaching & Counseling 2nd: Oral warning
3rd: Written reprimand

Violent behavior, throwing objects at others, or fighting with weapons

1st: Dismissal

Violent behavior, verbal threats or fighting without weapons

1st: 15 day suspension and mandatory EAP counseling 2nd: Dismissal

Attending a PVFD incident while intoxicated by alcohol or a legal controlled substance

1st: Written reprimand 2nd: 15 day suspension and mandatory EAP counseling
3rd: Dismissal

Attending a PVFD incident while intoxicated by illegal drugs or driving PVFD apparatus while intoxicated

1st: 15 day suspension and mandatory EAP counseling 2nd: Dismissal

Possession of illegal drugs or drug paraphernalia on PVFD property

1st: 15 day suspension and mandatory EAP counseling 2nd: Dismissal

Possession or intoxication by alcohol of a member under age 21 on PVFD property

1st: Written reprimand 2nd: 15 day suspension 3rd: Dismissal

Freelancing

1st: Oral warning

2nd: Written Reprimand

3rd: 5 day suspension

Insubordination

1st: Written reprimand

2nd: 10 day suspension

3rd: 30 day suspension

Failure to follow established safety procedures or use required safety equipment

1st: Oral warning

2nd: Written reprimand

3rd: 5 day suspension

Failure to follow mandatory safety procedures or regulations, creating an immediately dangerous situation

1st: Written reprimand

2nd: 10 day suspension

3rd: Dismissal

Misconduct

1st: Oral warning

2nd: Written reprimand

3rd: 5 day suspension