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# Stratmoor Hills Fire Protection District Policy

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**Number:** CE-5

**Date Issued:** December 7, 2005

**Revised:** June 21, 2017

**Subject:** CAREER EMPLOYEE DISCIPLINARY POLICY

**Purpose:** The purpose of the policy is to provide a basis for the uniform application of discipline for all District Career Employees to ensure equality of treatment and to promote efficiency in the District's operation. An important aspect of discipline is that all individuals should know what they need to do, and how and why they are supposed to do their job; they should know what the management policies and rules and regulations are; and they should be instructed as to the performance standards of their jobs. Rules and performance standards should be consistent and attainable with reasonable effort. Even under ideal conditions, some individual may occasionally violate rules and regulations, exhibit unacceptable behavior, or fail to meet performance standards. In accordance with the Department's concept of positive, corrective discipline, only minor warnings are assigned for minor offenses under the guidelines. For the average district Career Employee, such minor action is sufficient to prevent a repetition. If minor offenses occur again and again, the penalty becomes more severe. A very serious offense may bring immediate suspension and/or discharge.

**NOTE: Nothing in this policy changes a Career Employee's status as an at-will employee of the District or creates a contract of any kind between the District and any of its employees.**

## **Procedure:**

### **Section 1. Disciplinary Procedure:**

- (a) The disciplinary procedure established is not a substitute for judgment. It must be emphasized it is the duty of the Fire Chief to ensure that the District is getting the proper performance from its employees.
- (b) No provision of this section shall be interpreted in such a way as to require the application of "progressive discipline. Discipline may be imposed regardless of "Level" at the discretion of the Fire Chief or the Board.
- (c) It should also be understood that there is no required order of discipline.
- (d) All written disciplinary records, to include verbal warnings, shall remain permanently in the Career employee's personnel file.
- (e) A separate electronic record of all information in the personnel file for each Career Employee will be maintained by the Administrative Chief.

- (f) Career Employees who are disciplined will be required to sign any disciplinary action they receive to acknowledge receipt of the action not to express agreement with it. Career Employees who refuse to sign to acknowledge receipt will be disciplined for insubordination.

## **Section 2. Disciplinary System**

### **2.1 Verbal Warning:**

- (a) A Verbal Warning is a teaching process that gives Career Employee a better understanding of what their job consists of, what is expected of them in performing of their duties and what they should be doing to better themselves and the fire department in their day-to-day activities. The Fire Chief / Supervisor may verbally tell an employee that their performance or behavior must improve or more serious action will be taken. A brief account of the discussion shall be recorded in writing and signed by the involved supervisor and the Career employee. A copy of the written verbal warning shall be placed in the employee's personnel file and another copy shall be given to the employee.
- (b) A verbal warning should be constructive in nature and applied in a manner so that corrective action may be taken by the employee. Verbal warnings cannot be appealed.

### **2.2 Written Reprimand:**

- (a) A written reprimand is a formal record of an interview with an employee who has been notified that more serious action will be taken unless there is an immediate improvement in his/her performance or behavior. A copy of the written reprimand shall be signed by the involved supervisor and the individual and placed in the in the employee's personnel file, and a copy shall be given to the employee.
- (b) A written reprimand is issued to an employee by the Fire Chief / Supervisor.
- (c) If an investigation is required, a written reprimand, if issued, shall be issued to the Career Employee within five (5) calendar days after completion of an investigation.
- (d) In addition to proper identification of all parties involved, the written reprimand should include the following:
  - i. A description of the behavior or work performance for which the reprimand is being given and the specific improvements expected.
  - ii. The time frame within which said improvements must be made.
  - iii. An offer on the part of management to assist the Career Employee in the expected improvements.

- iv. Statements of prior warnings (if any), given to the employee.
  - v. Some indication of further action to be taken for insufficient improvement.
- (e) Written reprimands may be appealed, provided such an appeal meets all conditions set forth in this policy pertaining to Grievances and Appeals.

### 2.3 Suspension:

- (a) Suspension without pay:
- (i) An employee may be suspended, without pay in the discretion of the Fire Chief for reasons of suspected misconduct, negligence, inefficiency, insubordination, or other violations of Department Policies or Procedures.
  - (ii) Employee suspensions without pay shall not exceed one hundred twenty (120) hours for shift personnel and eighty (80) hours for day personnel.
  - (iii) The Employee shall be notified, in writing, of the reasons for suspension prior to the effective date of the suspension, if possible. Otherwise the employee shall receive a copy of the written notification within 24 hours of the suspension. A copy of this notification shall be put into their personnel file.
  - (iv) The employee may use the appeal procedures as set forth below.
- (b) Suspension with pay
- (i) An employee may be suspended with pay under special circumstances, such as the investigation of an employee's conduct.
  - (ii) A suspension with pay is not subject to appeal or grievance.

### 2.4 Discharge:

- (a) Only the Fire Chief may discharge an employee from employment with the District.
- (b) After an appropriate investigation, the Fire Chief should consult with the District's Counsel before informing an employee of their discharge.
- (c) An employee shall be informed in writing of the reason(s) for their discharge.
- (d) Discharged employees may use the appeal process as set out below.
- (e) Discharged employees will not be eligible for future employment or future volunteer membership with the Fire District

### **Section 3. Grievance/Appeal:**

Grievances should be considered promptly. It is the desire of the District to adjust grievances informally, and all employees are expected to make efforts to resolve problems as they arise; however, it is recognized that there will be grievances that will be resolved only after a formal review. Accordingly, the following procedure is established.

#### **3.1 Grievance defined:**

- (a) A grievance is a written request concerning some alleged wrongdoing submitted by an employee to the Fire Chief and ultimately to the Board of Directors.
- (b) Grievances may not be filed based on adverse personnel actions.
- (c) A grievance may not be based on any issue related to pay or the administration of wages and or salaries.

#### **3.2 Appeal defined:**

- (a) An appeal is an application for review by the Board of Directors of the following adverse personnel actions: a written reprimand, suspension, demotion, or discharge.
- (b) There is no appeal from any disciplinary action originated by the Board of Directors.

#### **3.3 Procedure for grievance or appeal:**

- (a) **Grievance.**
  - (i) Employees shall present their written grievance to the Fire Chief, within seven (7) calendar days of the occurrence of the circumstance on which the grievance is based. The Fire Chief then shall make an inquiry into the facts and circumstances of the grievance. The Fire Chief shall attempt to resolve the grievance promptly within seven (7) working days of receiving the grievance. The employee shall be informed in writing of the Fire Chief's decision.
  - (ii) An employee who is dissatisfied with the decision of the Fire Chief on a grievance shall, within seven (7) calendar days, submit in writing a request for appeal to the Board of Directors. The Board of Directors may inform the employee to attend the next regularly scheduled, or other, Board of Directors meeting to assist in the Board's consideration of the grievance.
  - (iii) Employees may attach any written material they desire to the written grievance.
  - (iv) The Board's decision on the grievance will be final.

- (b) **Appeal.**
- (i) Employees submitting an appeal for a personnel action must submit their written appeal within seven (7) calendar days from the time the employee is notified of the action.
  - (ii) The written appeal must be post-marked no later than the seventh day following notification. For example, if the employee receives notification on May 1, the appeal must be post-marked no later than May 8<sup>th</sup>.
  - (iii) The employee may attach any written material he or she desires to the written appeal.
  - (iv) The Board's decision on the appeal will be final.
  - (v) Disciplinary actions will not be postponed pending the appeal process.
- (c) Should any employee not meet the requirements set forth in the established grievance or appeal process, or not follow the prescribed procedure, the employee's appeal will be denied. Nevertheless, by written agreement of the employee and the Fire Chief or of the employee and the Board, the time limits for grievances and appeals may be extended.

**Section 4. Potential Grounds for disciplinary action:**

Potential grounds for disciplinary action are divided into five (5) levels that reflect the relative seriousness of infractions. The levels are outlines for different infractions and the level of seriousness of the infraction. All infractions will be examined and investigated by senior Fire Officers and/or the Fire Chief. Each Level consists of, and are not limited to, primary examples of infractions and conduct resulting in disciplinary action. The Fire Chief, or the Board if it initiates action, has final authority of evaluating all infractions and disciplinary actions. The following is a general description of typical bases for disciplinary action, and no particular order of disciplinary action is required. **Level 1 is a minor offense and Level 5 is a severe offense.**

**LEVEL 1:**

- a. Failing to perform duties in an acceptable measure of efficiency and productivity.
- b. Loitering, disregarding job duties by loafing or neglect of work.
- c. Creating or contributing to unsanitary conditions or poor housekeeping.
- d. Engaging in horseplay, scuffling, malicious mischief, distracting the attention of others or similar types of disorderly conduct.
- e. Posting or removal of any matter on bulletin boards or department property at any time unless authorized.
- f. Failing to keep the department notified of current personnel address or phone number.

**LEVEL 2:**

- a. Committing mistake(s) due to carelessness where the mistake(s) do not endanger life, property or equipment. May include reported unsafe driving in the form of a written complaint while responding to the fire station for an alarm in your private vehicle.
- b. Discourtesy to persons with whom Career Employee comes in contact while in the performance of duties.
- c. Willfully violating written rules, regulations, procedures or policies.
- d. Misconduct: conduct toward the Public, Board Members, and all Fire Department Personnel which can bring discredit to/upon the Stratmoor Hills Fire Protection District.

**LEVEL 3:**

- a. Malingering or feigning illness or disability to evade the performance of duty.
- b. Operating, using or possessing department vehicles or motorized equipment to which the Career Employee has not been assigned.
- c. Leaving work during working hours without permission.
- d. Failing to report an accident or personal injury in which the Career Employee was involved while on the job, on the day the accident or personal injury occurred.
- e. Threatening, intimidating, coercing or interfering with department personnel or supervision at any time, including abusive language.
- f. Failing to maintain required certifications for the position held by the Career Employee.
- g. Committing other acts or omissions (including but not limited to violation of these rules) that adversely affect the welfare of Citizens, other department personnel or the effective operation of the District.

**LEVEL 4:**

- a. Repeated tardiness or chronic absenteeism; unauthorized and/or unexplained
- b. Using department equipment, apparatus, or property without getting proper authorization.
- c. Refusing to perform work assigned or comply with written or verbal instructions of the supervisory force.
- d. Using any Career Employee's official position or authority for personal profit or advantage.
- e. Refusing to follow instructions or to perform designated work, where such instructions or work normally and properly may be required.
- f. Accepting Gifts or Gratuities from Vendors unless they are for the District, or for all Career Employee's
- g. Committing mistakes due to carelessness that affect the safety of department personnel or the public, equipment, tools or property.

May include reported (written complaint) careless driving of an emergency vehicle

- h. Violating a safety rule where the violation endangers the life of others, property or equipment.

#### **LEVEL 5:**

- a. Provoking or instigating a fight or attempting bodily harm or injury to others while on duty.
- b. Deliberately misusing, destroying or damaging any department property or property of any department personnel or of the public.
- c. **Knowingly falsifying personal or department records, including members' applications, accident or medical records or reports, purchase orders or any other department report or application.**
- d. Disclosing confidential information from District records or documents to any unauthorized source. Falsification, destruction or unauthorized use of District Records, reports or other data belonging to the District or any member agency thereof.
- e. Possessing unauthorized firearms, knives, explosives or weapons on SHFD property unless specifically authorized by the Fire Chief or the Board.
- f. Theft of property or money of the department, department personnel or Board of Directors.
- g. Knowingly harboring a communicable disease, which may endanger other department personnel or the public without taking appropriate preventive measures and/or treatment.
- h. Breaching C.R.S. 29-5-202 – “In order to continually maintain public safety, firefighters must be denied the right to strike”. Concerted curtailment or restriction of production or interference with department personnel, including but not limited to, instigating, leading or participating in any walkout, strike, sit-down, stand-in, slow-down or refusal to return to work.
- i. Leaving work during assigned work before being relieved by supervisor or relieving department personnel where operations are continuous and/or affect public safety or health.

#### **Section 5. Direct Disciplinary Action by the Board:**

Any disciplinary action initiated by the Board shall conform with the following:

- 5.1 The President of the Board will have the authority to impose disciplinary action, consistent with the guidance in Section 2 above.
- 5.2 The full Board may review any action taken by the President, pursuant to Section 5.1 above, if the employee disciplined asserts a timely appeal pursuant to the procedures in Section 3 of the Policy, CE5
- 5.3 The decision of the full Board on any appeal under Section 5.2, above, will be final.