



Scarborough Fire Department

Scarborough, Maine



Standard Operating Procedures

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| Book: | Organization |
| Chapter: | Personnel, Policies, & Procedures |
| Subject: | 1305 – Disciplinary Process |
| Revision Date: | 8/31/2007 [Revised 10/15/09, 2/28/11] |
| Approved by: | <i>B. Michael Thurlow</i> |

PURPOSE

To establish procedures to deal with informal and formal disciplinary practices within the Scarborough Fire Department.

SCOPE

This policy applies to all department members regardless of rank or employment group.

POLICY

- A. The department's philosophy is that discipline must be applied consistently and uniformly.
- B. It is the department's policy to impose disciplinary action fairly and impartially and to offer adequate appeal procedures to ensure that the rights of employees are protected.
- C. This policy is to be used in conjunction with the Town of Scarborough Personnel Ordinance Chapter 303 and the current Scarborough Paramedic Association Collective Bargaining Agreement. In the event of a conflict between these two documents the Collective Bargaining agreement will take precedence for situations involving members covered by it.
- D. Discipline is a process of imposing formal and informal corrective action which will help train or develop an employee, preferably through constructive measures. Discipline in the department may involve reward of employees, training, counseling, and as a last resort, a more formal process of progressive discipline if desired work behaviors are not attained.
- E. Discipline in the form of positive reinforcement is oriented towards seeking voluntary compliance with established policies, procedures, and orders. Methods of positive reinforcement include:
 - a. Direct praise and acknowledgement of positive activities, contributions, and efforts.
 - b. Recognition of excellent job performance through evaluations, commendations, rewards, and/or awards.
 - c. Formal discussions and counseling.
 - d. Training opportunities.
 - e. Promotional opportunities.

- F. Discipline in the form of corrective action begins when voluntary compliance with established policies, procedures, and orders does not occur. Corrective action is oriented toward requiring specific behavioral modifications through a progressive disciplinary process which includes a number of steps that can be used as appropriate to bring about a positive change in behavior when an employee has been found in violation of a departmental rule, regulation, order from a supervisor, or standard operating procedure as outlined in the Procedure section of this document. Examples of progressive disciplinary measures include but are not limited to:
 - a. Counseling Memorandums
 - b. Corrective Memorandums
 - c. Written Reprimands
 - d. Suspensions
 - e. Demotions
 - f. Termination
- G. The department does not profess to provide employees with an all inclusive list of specifically prohibited behavior. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on reviewing the SOPs, their training, and the observance of the behavior of firefighters and EMTs generally.
- H. An employee may be relieved from duty whenever, in the opinion of an officer, the employee is physically or psychologically unfit for duty. An administrative complaint and investigation may follow. Officers shall have the authority to relieve an employee from duty, but must promptly report such action to the Fire Chief, accompanied by a written report setting forth the details and circumstances. The Fire Chief may suspend an employee whose continued presence on the job constitutes a substantial and immediate threat to the welfare of the department, the public, and/or the employee.
- I. Probationary employees may be subject to dismissal without cause.
- J. Members of the Department shall answer any and all questions truthfully and directly as they may relate to any Departmental investigation. Members may have representation during any phase of the disciplinary process. Any expenses for such representation, if any, shall be the member's responsibility.
- K. No member shall obstruct, hinder, or impede any Department investigation.
- L. An employee arrested for, charged with, or convicted of any crime, or required to appear as a defendant in any criminal or civil proceedings, must inform the Fire Chief, in writing, as soon as possible. Employees do not have to report parking tickets or minor traffic offenses unless the infraction could result in the employee losing their valid driver's license status. Failure to notify the department of the foregoing shall be cause for disciplinary action.

PROCEDURE

Whenever the investigation of an administrative complaint results in disciplinary action being taken or when an officer finds it necessary to take disciplinary action based on his/her own observations, the following options may be considered. They are intended to be implemented in a progressive manner but the Fire Chief has the authority to deviate and use the most appropriate level based on the facts at hand and the seriousness of the situation. In some circumstances failure to comply with certain rules and regulations or standard operating procedures may have a specific disciplinary action outlined in the policy based on the safety consequences or seriousness of the infraction.

- A. **Counseling Memorandum (Documented Verbal Warning):** A Counseling Memorandum is to be used in cases where an employee has failed to follow established procedures or has committed a violation of the departmental rules, regulations, or standard operating procedures and the violation is considered by the officer to be minor in nature. If the officer believes that the problem can be resolved or the employee's judgment or attitude improved through counseling, then the counseling session will be documented on this form. Any officer of the department may directly deal with situations that rise to this level and may issue a Counseling Memorandum which must be forwarded to the Fire Chief's office upon completion. After a full one year period, during which the employee has not been the subject of further negative discipline of any type, a counseling memorandum will be rescinded from the employee's personnel file.
- B. **Corrective Memorandum (Written Warning):** A Corrective Memorandum shall be issued by a Chief Officer after reviewing a complaint where an employee has failed to follow established procedures or has committed a violation of the departmental rules, regulations, or standard operating procedures and the action (or omission) is not serious enough to warrant a Written Reprimand being issued. After a full three year period, during which the employee has not been the subject of further negative discipline of any type, a Corrective Memorandum will be rescinded from the employee's personnel file.
- C. **Written Reprimand:** A Written Reprimand will be issued by a Chief Officer in those instances when an employee has failed to properly follow established procedures or has been found to have violated a rule, regulation, general order, or standard operating procedure and such violation is considered to be of such a serious nature that a Corrective Memorandum is inappropriate. The Written Reprimand may also be issued in the case of a less serious violation when the employee has previously been the recipient of some other form of corrective action for a similar violation. In cases of more serious violations, some other form of disciplinary action or remedial training may accompany the written reprimand. Any employee who has been issued three or more Written Reprimands within a one-year period will be scheduled for a hearing before the Fire Chief. The purpose of the hearing shall be to determine if further disciplinary action is warranted on the basis of an accumulation of progressive discipline. A Written Reprimand remains a permanent record in the employee's personnel file.
- D. **Suspension:** An employee may be suspended from duty (with pay) pending the investigation of an administrative complaint when the seriousness of the allegation warrants such action. An employee may be suspended from duty (without pay) as the result of a finding that the employee has committed a serious violation of the departmental rules, regulations, general orders or standard operating procedures. An employee may also be suspended from duty without pay on the basis of an accumulation of progressive disciplinary steps or actions. The Fire Chief must authorize all suspensions and a record of such shall remain a permanent part of the employee's personnel record. Suspensions will be scheduled and served at the convenience of the department to assure adequate staffing.
- E. **Demotion:** An employee may be demoted in rank on the basis of a serious violation of departmental rules, regulations, general orders or standard operating procedures. A demotion in rank may also be ordered on the basis of an accumulation of progressive disciplinary steps or actions. The Fire Chief must authorize all demotions and a record of such shall remain a permanent part of the employee's personnel record.

- F. **Termination:** An employee may be subject to termination for a serious violation of the departmental rules, regulations, general orders or standard operating procedures. An employee may also be dismissed on the basis of an accumulation of progressive disciplinary action. The Fire Chief, with the approval of the Town Manager, must authorize all terminations.
- G. **Appeal Process:** Any member that has received a Counseling Memorandum, Corrective Memorandum, or Written Reprimand may appeal such action, in writing, to the Fire Chief. Any employee who has been removed for disciplinary reasons or suspended with or without pay may appeal to the Town of Scarborough Personnel Appeals Board, provided that an appeal must be filed in writing with the Town Manager within 10 days of the decision or of ratification by the Town Manager or the Town Council, if ratification of the removal of suspension is required by the Scarborough Town Charter. Upon request, the Director of Human Resources or Fire Chief will assist any employee who needs such assistance to file a written appeal. This Paragraph shall not apply to lay-offs and reductions in force, whether by elimination of positions or separation of employees, or other terminations or suspensions not attributable to cause.

REFERENCES

- A. Town of Scarborough Personnel Ordinance, Chapter 303
B. The current Scarborough Paramedic Association Collective Bargaining Agreement