

1. Purpose of Discipline Policy

The purpose underlying the discipline policy of the Municipal Fire Department is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. These procedures are directory in nature and minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

2. Disciplinary System Framework

The Municipal Fire Department adopts the following framework for actions to be taken in the event that employment policies are violated by any employee. Progressive steps may be implemented in order to invoke disincentives to policy violations. The Municipal Fire Department reserves the right to take any of the prescribed steps in any order in the event that a supervisor deems a policy violation or action of the employee to be serious enough to warrant a certain step. Such steps shall be documented in the record of the disciplinary action. Progressive discipline shall be applied only where the supervisor believes that the potential for improvement and correcting the behavior is possible.

3. Hierarchy of Disciplinary Actions Available

The following actions are among the progressive disciplinary steps which can be taken by the supervisor in response to personnel policy violations:

- a. Oral warning.
- b. Written warning or reprimand.
- c. Suspension with or without pay.
- d. Demotion.
- e. Probation.
- f. Dismissal.

4. Appeal Hearing

The personnel policy of the Municipal Fire Department establishes the right to a hearing in the event of a discharge or demotion with attendant change in pay or suspension. The elements of procedure to be followed in any such hearing to be undertaken at the direction of the supervisor, unless waived by the employee, are the following:

- a. The employee shall be provided written notice of the charges against him and the time the hearing is to be conducted.
- b. The employee shall be heard before the Fire Chief or the Fire Chief's designated hearing officer. The oral hearing will usually to last no longer than two hours, unless otherwise approved by the department head.
- c. There shall be a record maintained, including a tape recording of the hearing.
- d. The employee shall have a right to an explanation of the conduct of which they are accused.
- e. The employee shall have an opportunity to be represented by legal counsel at his own expense.
- f. The employee shall be provided an opportunity to present evidence and to rebut the information upon which his/her charged misconduct or inadequate performance is based.

Every such hearing shall take place as soon as it can be accommodated by the schedules of those involved. Additional time may be granted at the request of the employee upon a showing that additional time is needed to provide facts necessary to respond to the charges.

Employees shall be placed on leave with pay until this hearing is held unless the evidence against the employee is so overwhelming that the Department Head feels compelled to place the employee on leave without pay. After the hearing and based on the facts presented, the Department Head shall determine the leave status of the employee.