

# Washington Township Fire Department Standard Operating Procedure

**Division 100:** Administration  
**Section 108:** Standards of Conduct  
**Subject 108.01:** Disciplinary Procedures  
**Supersedes:** N/A  
**Approved By:**



Date: November 04, 2002

Page: 1 of 6

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## **PURPOSE:**

To establish a disciplinary system applicable to part-paid volunteers, part-time in house, part-time, full-time and full-time career personnel. This Standard Operating Procedure makes reference to the Collective Bargaining Agreements and certain rights contained therein. While the Collective Bargaining Agreements apply only to full-time career and fire alarm operator personnel, similar employee rights are afforded to other full-time, part-time, part-paid volunteers and part-time in house employees as outlined in the Washington Township – Personnel Policies and Procedures Manual.

To meet its commitment to provide an exceptional level of service to the community, the Washington Township Fire Department realizes that a fair and effective disciplinary system is necessary. A discipline system that is fair and effective requires employees to meet high professional standards while simultaneously protecting their rights as employees.

## **RESPONSIBILITY:**

All employees must know and understand their role and responsibilities in the disciplinary process. Employees must also know and understand the various steps in the disciplinary process, as well as their employee rights.

## **PROCEDURES:**

A thorough understanding of the disciplinary system provides all employees a better opportunity to function well within the system.

### **Supervisor's Role in the Disciplinary Process**

Supervisors of the Washington Township Fire Department are the keys to effective discipline within the organization. Supervisors must continually give employees response to positive and negative work performance. Additionally, they must be aware of and enforce the four basic functions that maintain internal discipline.

- Supervisors must ensure that employees do not develop work habits that fail to meet management's expectations and rules and regulations. This requires that supervisors fully understand rules, regulations, policies, procedures and written directives.
- Supervisors must detect employee violations of work rules. A supervisor may discover these violations through direct observation, reports from employees or from citizens.

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Date: November 04, 2002

Page: 2 of 6

---

---

- Supervisors must be aware of the process they follow in the investigation of alleged violations of policy. Serious types of misconduct warrant immediate notification of the Chief through the chain of command. A supervisor's actions must be legal, reasonable, consistent and timely.
- Once a supervisor learns that an employee has violated a rule, policy, procedure, or written directive, he must assess the appropriate disciplinary action and take action accordingly. This requires that a supervisor be aware of the limits of his authority.
- Violations of law require the notification of the appropriate law enforcement agency and immediate notification of the Chief through the chain of command.

## Disciplinary Responsibility and Authority by Rank

- A **Civilian** has the responsibility to report violations of Fire Department or Township policy, rules, and conduct. A Civilian, within the Fire Department, has no disciplinary authority with the exception of civilian supervisors who have disciplinary authority over their subordinate civilian employees.
- An **Emergency Medical Services Employee** has the responsibility to report violations of Fire Department or Township policy, rules, and conduct. An emergency medical services employee has no disciplinary authority.
- A **Firefighter** has the responsibility to report violations of Fire Department or Township policy, rules, and conduct. A firefighter has no disciplinary authority.
- A **Lieutenant** has the responsibility to report violations of Fire Department or Township policy, rules, and conduct. A Lieutenant has the authority to assign personnel to remedial training, issue both Oral and Written Reprimands (subject to the approval of the Chief), and make recommendations to superior officers to administer a more severe form of discipline. A Lieutenant has the authority to temporarily relieve from duty (duty-tour or less) a subordinate employee who, in the best judgment of the Lieutenant, is unfit for duty.
- A **Captain** has the responsibility to report violations of Fire Department or Township policy, rules, and conduct. A Captain has the authority to assign personnel to remedial training, issue both Oral and Written Reprimands (subject to the approval of the Chief), and make recommendations to superior officers to administer a more severe form of discipline. A Captain has the authority to temporarily relieve from duty (duty-tour or less) a subordinate employee who, in the best judgment of the Captain, is unfit for duty.

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Date: November 04, 2002

Page: 3 of 6

---

---

- The **Fire Marshal** has the responsibility to report violations of Fire Department or Township policy, rules, and conduct. The Fire Marshal has the authority to assign personnel to remedial training, issue both Oral and Written Reprimands (subject to the approval of the Chief), and make recommendations to superior officers to administer a more severe form of discipline. The Fire Marshal has the authority to temporarily relieve from duty (duty-tour or less) a subordinate employee who, in the best judgment of the Fire Marshal, is unfit for duty. The Fire Marshal may also place an employee on administrative leave (with pay) when there is an allegation of a violation of any Fire Department or Township rule, policy or procedure, or there is an action pending disposition of an internal investigation.
- The **Deputy Chief** has the responsibility to report violations of Fire Department or Township policy, rules, and conduct. The Deputy Chief has the authority to assign personnel to remedial training, issue both Oral and Written Reprimands (subject to the approval of the Chief), and make recommendations to the Chief to administer a more severe form of discipline. The Deputy Chief has the authority to temporarily relieve from duty (duty-tour or less) a subordinate employee who, in the best judgment of the Deputy Chief, is unfit for duty. The Deputy Chief may also place an employee on administrative leave (with pay) when there is an allegation of a violation of any Fire Department or Township rule, policy or procedure, or there is an action pending disposition of an internal investigation.
- The **Chief** has the responsibility to report violations of Fire Department or Township policy, rules, and conduct. The Chief has the authority to assign personnel to remedial training, issue both Oral and Written Reprimands, and make recommendations to the Township Administrator to issue a suspension and/or reduction in rank or discharge. The Chief has the authority to temporarily relieve from duty (duty-tour or less) a subordinate employee who, in the best judgment of the Chief, is unfit for duty. The Chief or his designee may also place an employee on administrative leave (with pay) when there is an allegation of a violation of any Fire Department or Township rule, policy or procedure, or there is an action pending disposition of an internal investigation.
- The **Township Administrator** has authority in disciplinary matters involving suspension, reduction in rank, and discharges. Only policy, the collective bargaining agreements, and Ohio law govern his authority.

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Date: November 04, 2002

Page: 4 of 6

---

---

## Employee Counseling and Progressive Discipline

*Counseling* – Counseling to improve employee performance, by itself, is **not** a form of discipline and can be formal or informal. Informally providing employees with daily feedback about positive or negative work performance is desirable. It is not necessary, on a daily basis, for a supervisor to document his informal coaching of subordinate employees. However, supervisors must document formal counseling. Formal counseling has two purposes:

- To give the supervisor an opportunity to explain his dissatisfaction with the employee's performance or conduct.
- To give the employee an opportunity to present his version of the facts and other information in mitigation of the conduct.

When counseling employees, supervisors must have a justifiable belief that the employee has an existing problem or is having problems understanding or adjusting to matters that:

- Relate to job-performance (concerning assigned tasks)
- Relate to policy-procedure violations (concerning Fire Department or Township rules and regulations)
- Relate to behavior/conduct (including violations of behavior standards, problems involving interpersonal relationships with co-workers, or matters that are largely personal in nature but are influencing the employee's work performance)
- Impact work-flow (negatively affecting the department's ability to achieve its goals)

Immediately upon identifying such a problem, the supervisor meets with the employee and discusses appropriate corrective action. The supervisor documents such action on an *Employee Performance Improvement Plan* form (form # ???). The supervisor describes the incident leading to the review, makes recommendations for improvement, and details any other actions taken.

The employee's immediate supervisor retains the original of the *Employee Performance Improvement Plan* record for one (1) year. The supervisor gives one copy to the employee and one copy is forwarded to the Chief, through the chain of command, and after review is placed in the employee's file.

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Date: November 04, 2002

Page: 5 of 6

---

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Anytime an employee receives formal discipline, the employee's supervisor must provide an *Employee Performance Improvement Plan* to the employee. The Chief may also require the supervisor to complete a "special" performance evaluation. In such cases the supervisor must forward the originals of all forms, including the *Employee Performance Improvement Plan*, to the Chief, through the chain of command, for review and placement in the employee's file.

*Remedial Training* – Personnel of the Washington Township Fire Department participate in training programs designed to fit specific job requirements and individual needs. As part of the Fire Department's in-service training program, supervisors may assign personnel to training sessions to correct a particular problem as part of the *Employee Performance Improvement Plan*. If in-service training does not address the specific problem, supervisors may require personnel to attend training at an outside source.

*Progressive Discipline* – Progressive discipline is a conservative approach to the disciplinary process. The intent is to give adequate notice to any employee whose actions are improper and/or inadequate so that they may improve their performance to acceptable standards. Progressive discipline, depending on the severity of the violation of the rule, regulation, policy, procedure, or directive, may start at higher levels including rank reduction or discharge.

- *Oral Reprimand* – The issuance of an Oral Reprimand is the first step in the discipline process. Supervisors generally issue this type of disciplinary action for minor infractions of policies and procedures. Any employee of superior rank may issue an Oral Reprimand. The issuing supervisor personally gives a copy of the documentation, describing the incident and action taken, to the involved employee and forwards the original to the Chief, through the chain of command, for review, approval and placement in the employee's personnel file.
- *Written Reprimand* – Supervisors may issue a Written Reprimand for infractions of Standard Operating Procedures, for repeated procedural errors, or any infraction of other written directives. The issuing supervisor personally gives a copy of the Written Reprimand to the involved employee and forwards the original to the Chief, through the chain of command, for review, approval and placement in the employee's personnel file.
- *Suspension* – The Township Administrator has the authority to issue a suspension. The Collective Bargaining Agreement covers an employee's right to appeal a suspension and an employee's right to a hearing prior to any suspension order being issued. The Township Administrator or his designee provides a copy of the suspension order to the employee. The original suspension order is placed in the employee's personnel file.

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Page: 6 of 6

---

---

- *Reduction in Rank or Discharge* – The Township Administrator has the authority to order a reduction in rank. The discharge of any employee will be in accordance with current Ohio law or the terms and conditions of any Collective Bargaining Agreement that may apply. Current Ohio law or applicable Collective Bargaining Agreements cover an employee's right to appeal any reduction in rank or discharge and an employee's right to a hearing prior to any reduction in rank or discharge order being issued.

## **Records of Disciplinary Action**

All records of disciplinary action are maintained in the employee's personnel file in accordance with the guidelines of the Collective Bargaining Agreement.

## **Disciplinary Appeal Procedure**

The existing terms and conditions of the Collective Bargaining Agreement govern the right of an employee to appeal a disciplinary action.