



GERMANTOWN FIRE DEPARTMENT - STANDARD OPERATING PROCEDURES	
SUBJECT: DISCIPLINARY ACTION	S.O.P. 1.04
CATEGORY: PERSONNEL	PAGE: 1 OF 4
APPROVED BY: Chief, Germantown Fire Department	DATE: July 1, 2009

PURPOSE: To provide uniform guidelines for disciplinary action to insure fair and equitable treatment to employees who may violate rules, regulations, laws, or otherwise be guilty of misconduct.

I. INTENT AND GUIDELINES

- A. It is the responsibility of each employee to be thoroughly familiar with all city and department rules and policies. Personnel shall follow the chain of command.
- B. Counseling should precede disciplinary action and an employee who commits a sufficiently severe offense shall receive discipline immediately upon completion of the investigation.
- C. Supervisors should be aware of the degree of disciplinary action that is fair in regard to the offense. The degree of discipline should increase with each subsequent sustained action that is similar in nature.
- D. Discipline, to be fair and reasonable, must be supported with facts and decisions made on a justifiable basis of fact. Such discipline will receive firm support and have constructive results. Discipline and suspensions shall be the initial responsibility of supervisors at the appropriate level in the chain of command.
- E. The supervisor should consider the following factors:
 - 1. Seriousness of the violation.
 - 2. Mitigating circumstances, if any.
 - 3. Length of service and previous record of the employee.
 - 4. Reasonable consistency in applying similar penalties to similar offenses.
 - 5. The prospect that disciplinary action may play a rehabilitative role.
 - 6. Attitude and conduct of the employee throughout investigation, hearing and final disposition.
- F. Discipline is applied in a progressive fashion with more severe penalties following successive violations. This is particularly true when relatively minor

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offenses occur. The most significant consideration is for the penalty to be in proportion to the violation. Serious offenses, particularly life threatening, will call for appropriately serious penalties.

G. Disciplinary action shall be corrective in nature and shall involve the following progressive measures, except that major violations may proceed directly to more severe actions which could include termination, based upon the level of violation:

1. Oral reprimand.
2. Written reprimand.
3. Probation with conditions
4. Suspension, documented in writing.
5. Demotion.
6. Termination.

II. PROCEDURE

A. All disciplinary action shall be initiated with a written statement of charges. The statement of charges shall contain sufficient details about the alleged infraction of city or department rules, regulations, or standard operating procedures. The statement shall cite the city or department rules, policy or procedures that are alleged to have been violated. The statement of charges shall be signed by the person bringing those charges forth. A copy of the written statement of charges will be given to the employee so charged.

B. Supervisors shall initiate disciplinary action commensurate with the violation and consistent with their authority, as follows. Beyond these levels, the supervisor shall recommend the disciplinary action to their supervisor.

Lieutenant - up to suspension of 24 hours.

Battalion Chief - up to and including 72 hours suspension.

Deputy Chief - up to termination.

Assistant Chief - up to termination.

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Fire Chief - up to and including termination.

- C. When a violation occurs and the investigative process requires the necessity of a hearing, appropriate letters attesting to the facts must be obtained. The hearing is the opportunity for the employee to impart information pertinent to the facts to justify the actions in question or attempt to answer the charges. When appropriate, such as during extensive investigations or major violations, the employee shall be given an appropriate prior notification of the hearing. Hearings shall be carried out within 30 days of the violation, unless mutually agreed upon by both parties.
- D. During a disciplinary hearing, the employee may request that his/her supervisor, the City Personnel Director or a member of the Employee Relations Committee participate in the hearing to provide guidance and support to the employee. However, this person shall not speak on behalf of the employee.
- E. Once the hearing is complete and all possible facts are examined, appropriate recommendations to the Fire Chief are the responsibility of the supervisor at whose level the hearing was held.
- F. Officers may administer oral and written reprimands without prior approval of the Fire Chief. Copies of the oral and written reprimands shall be forwarded to the Fire Chief for review.
- G. With the exception of the Fire Department's run late policy (SOP 1.09), the Fire Chief shall review all recommendations of suspension before such action is taken. Officers will adhere to the run late SOP when dealing with violations of that policy.
- H. The employee will be informed in writing by a Disciplinary Action Form, as soon as is reasonably possible, the results of the hearing and the degree of discipline involved. If this cannot be done within 7 calendar days of the disciplinary hearing, the employee shall be advised of the extenuating circumstances. Copies of all Disciplinary Action Forms will be placed in the employee's permanent record.
- I. To be effective and fair, disciplinary action shall be applied immediately. Only the Fire Chief may waive this requirement.
- J. Ultimate responsibility for the administration of all discipline rests with the Fire

Chief. The Fire Chief will review all disciplinary action taken. The Fire Chief may alter any disciplinary action taken based upon the facts and with justifiable cause. To ensure fair and equitable treatment, such modification of disciplinary action will require review and approval of the City Administrator.

- K. In order to ensure the fair and equitable treatment of all personnel, the Fire Chief shall provide copies of all disciplinary action to the Personnel Department and the City Administrator.

III. APPEALS

Employees may appeal disciplinary action above verbal reprimands in accordance with the Fire Department's Department Procedure for Job Related Problems S.O.P. and the City's Open Door Policy.

IV. ACTIVE STATUS OF DISCIPLINARY ACTION

- A. Written documentation which is required to be placed in an employee's personnel file shall remain in place in either an ACTIVE or INACTIVE status.
- B. Documents that are listed as being in an ACTIVE STATUS shall be considered during any employee appraisal periods and during any promotional process.
- C. The following guidelines will be used as the time these particular documents will remain active:

Verbal Reprimands/Counseling Forms	12 months
Written Reprimands	24 months
Suspensions	36 months

- D. Documents that are listed as being in an INACTIVE STATUS will remain in the personnel file but shall not be considered during any employee appraisal periods or during any promotional process. At no time will these types of documents be removed from any personnel file within the fire department.