





NORTHERN WAKE FIRE DEPARTMENT

STANDARD OPERATING PROCEDURES

TITLE: Disciplinary Actions	SECTION/TOPIC: PERSONNEL
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I. PURPOSE

- A. The purpose of this Standard Operating Procedure is to promote improved member performance.

II. SCOPE

- A. This Standard Operating Procedure applies to all Northern Wake Fire Department personnel.

III. UNSATISFACTORY JOB PERFORMANCE

- A. Defined:
1. The supervisor is responsible for assuring the satisfactory performance of work assigned to his/her work group.
 2. Unsatisfactory job performance includes any aspects of the member's assigned responsibility which is not performed to the standards set by the organization.
 3. This procedure does not require that all progressive warnings concern the same type of unsatisfactory performance; this policy only requires that the progressive warnings all relate to performance.
 4. Examples of unsatisfactory performance include, but are not limited to, the following:
 - a) Demonstrated inefficiency
 - b) Negligence
 - c) Incompetence in the performance of duties
 - d) Carelessness
 - e) Improper use of property or equipment
 - f) Physical or mental incapacity to perform duties after reasonable accommodation
 - g) Discourteous treatment of the public or other members
 - h) Absence without approved leave
 - i) Improper use of leave privileges

- j) Failure to report for duty at the assigned time and place
- k) Failure to complete work within the time-frames established

- l) Failure to meet work standards over a period of time
- m) Failure to follow the chain of command

B. Warnings

1. Members who are dismissed for unsatisfactory performance will have received at least three (3) warnings:
 - a) First Warning(s) - One or more oral warnings
 - b) Second Warning - A written warning documenting all relevant points covered in the disciplinary discussions
 - c) Third Warning - A final written warning which notifies the member that continued failure in improving the required performance may result in dismissal.

C. Oral Warning

1. The supervisor will conduct a private disciplinary conference with the member, informing the member that this is an oral warning regarding unsatisfactory performance.
2. The supervisor will inform the member of the specific performance deficiencies that are the basis for the oral warning.
3. The supervisor will inform the member what specific improvements must be made to correct the unsatisfactory performance.
4. The supervisor will inform the member of the specific time that is being allowed to make the required improvements.
5. The supervisor will inform the member of the consequences of failing to make the required improvements.
6. The supervisor will document the oral warning, covering the significant points of the disciplinary conference.
7. Documentation will be placed in the member's personnel file.

D. Written Warning

1. The supervisor will conduct a private disciplinary conference with the member, informing the member that this is a written warning regarding unsatisfactory performance.
2. The supervisor will inform the member of the specific performance deficiencies that are the basis for the written warning.
3. The supervisor will inform the member what specific improvements must be made to correct the unsatisfactory performance.
4. The supervisor will inform the member of the specific time that is being allowed to make the required improvements.
5. The supervisor will inform the member of the consequences of failing to make the required improvements.

6. The supervisor will prepare and send to the member, the written warning covering the significant points of the disciplinary conference, including the specific reasons for the written warning.
7. A copy of the written warning will be placed in the member's personnel file.

E. Final Written Warning

1. The supervisor will prepare a final written warning to the member; making sure to include the specific reasons for the action and that failure to correct the unsatisfactory performance may result in dismissal.
2. The supervisor will conduct a private disciplinary conference with the member, informing the member that this is a final written warning regarding unsatisfactory performance.
3. The supervisor will inform the member of the specific performance deficiencies that are the basis for the final written warning.
4. The supervisor will inform the member of the required improvements that must be made to correct the unsatisfactory performance.
5. The supervisor will inform the member of the specific time that is being allowed to make the required improvements.
6. The supervisor will inform the member of the consequences of failing to make the required improvements.
7. The supervisor will present the final written warning to the member at the end of the disciplinary conference.
8. A copy of the final written warning will be placed in the member's personnel file.

F. Dismissal - Employees

1. Before an employee is dismissed for unsatisfactory performance, the supervisor will present a dismissal recommendation with supporting documentation, to the Fire Chief and/or his/her designee.
2. The Fire Chief or his/her designee will review the recommendation and if he/she approves of the recommendation, a dismissal conference will be held between the Fire Chief and/or his/her designee, the Administrative Assistant, the supervisor and the member.
3. During the dismissal conference, the Fire Chief and/or his/her designee will present the member with a written notice of dismissal, stating the specific reasons for the decision and the process for appeal.
4. The Administrative Assistant will provide information regarding payroll, insurance and benefits.
5. Following the dismissal conference, the Fire Chief and/or his/her designee will allow the member to retrieve all personal items and turn in all departmental issued items.
6. A copy of the written notice of dismissal will be placed in the member's personnel file

G. Dismissal – Volunteers

1. Before a volunteer member is dismissed for unsatisfactory performance, the supervisor will present a dismissal recommendation with supporting documentation, to the Deputy Chief of Operations and/or his/her designee.
2. The Deputy Chief of Operations or his/her designee will review the recommendation and if he/she approves of the recommendation, he/she will hold a pre-dismissal conference with the volunteer member.
3. The Deputy Chief of Operations or his/her designee may accept a letter of resignation from the volunteer member in lieu of proceeding with the dismissal process.
4. If the Deputy Chief of Operations or his/her designee moves forward with the dismissal process, the dismissal recommendation will be forwarded to the Fire Chief, who will in turn forward same to the Volunteer Membership Committee for their review and processing.
5. The Membership Committee Chairperson or his/her designee will notify the member of the pending action and advise him/her that they may attend the meeting and make a statement or submit a statement in writing that will be read on their behalf.
6. At the next scheduled business meeting, the Volunteer Membership Committee chairperson or his/her designee will present the dismissal recommendation to the full membership.
7. The Membership will vote, by majority rule, on the recommendation to dismiss the volunteer member for unsatisfactory performance.
8. If the Membership vote is to proceed with the dismissal of the volunteer member, the Department Secretary will send a written notice of dismissal in person or by mail by the to the member, stating the specific reasons for the decision, the process for appeal and the process for returning all issued gear and equipment.
9. A copy of the written notice of dismissal will be placed in the volunteer member's personnel file.
10. If the member chooses to appeal the decision for dismissal, he/she will submit the appeal directly to the Fire Chief who will handle accordingly to Section V – D, E and F of this procedure.

H. Investigatory Suspension

1. An investigatory suspension may be used by the supervisor to provide time to investigate, establish facts, and reach a decision relating to any form of unsatisfactory performance.
2. The supervisor will conduct a private disciplinary conference with the member, informing the member that he/she is being suspended during the investigation of his/her unsatisfactory performance.
3. During the disciplinary conference, the supervisor will present the member with a written notice of the investigatory suspension, stating the timeframe, the specific reasons for the decision and the process for appeal.
4. A copy of the written notice of the investigatory suspension will be placed in the member's personnel file.

I. Disciplinary Suspension

1. A disciplinary suspension may be used by the supervisor for causes relating to any form of unsatisfactory performance.
2. The supervisor will conduct a private disciplinary conference with the member, informing the member that he/she is being suspended due to his/her unsatisfactory performance.
3. During the disciplinary conference, the supervisor will present the member with a written notice of the disciplinary suspension, stating the timeframe, the specific reasons for the decision and the process for appeal.
4. A copy of the written notice of the disciplinary suspension will be placed in the member's personnel file.

J. Demotion

1. A member may be demoted or re-classified as a means of disciplinary action due to unsatisfactory performance.
2. The supervisor will conduct a private disciplinary conference with the member, informing the member that he/she is being demoted due to his/her unsatisfactory performance.
3. During the disciplinary conference, the supervisor will present the member with a written notice of the demotion, stating the specific reasons for the decision and the process for appeal.
4. A copy of the written notice of demotion will be placed in the member's personnel file.

IV. DETRIMENTAL PERSONAL CONDUCT

A. Defined

1. Detrimental personal conduct includes behavior of such a serious detrimental nature, that the functioning of the organization may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated.
2. Members may be dismissed, demoted, suspended, warned, or otherwise disciplined on the basis of detrimental personal conduct.
3. Discipline may be imposed, as a result of unacceptable conduct, up to and including dismissal without any prior warning to the member.
4. Examples of detrimental personal conduct include, but are not limited to, the following:
 - a) Fraud or theft
 - b) Conviction of a felony or the entry of a plea of *no contend ere* thereto;
 - c) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
 - d) Willful misuse or gross negligence in the handling of organizational funds or personal use of equipment or supplies;

- e) Willful or wanton damage or destruction to property;
- f) Willful or wanton acts that endanger the lives and property of others;
- g) Possession of unauthorized firearms or other lethal weapons on the job;
- h) Brutality in the performance of duties;
- i) Reporting to work or duty under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- j) Engaging in incompatible employment or serving a conflicting interest;
- k) Request or acceptance of gifts in exchange for favors or influence;
- l) Engaging in prohibited political activity;
- m) Harassment of any personnel and/or the public on the basis of sex or any other protected class status; or
- n) Harassment of any personnel or the public with threatening or obscene language and/or gestures;
- o) Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work;
- p) Divulging confidential information;
- q) Dishonesty;
- r) Frequent absences or tardiness;
- s) Discourtesy or insubordinate conduct;
- t) Conducting personal business during work periods not including advanced educational work.

B. Dismissal

1. Before a member is dismissed for detrimental personal conduct, the Fire Chief and/or his/her designee, along with the Administrative Assistant and the member's supervisor, will hold a dismissal conference with the member.
2. During the dismissal conference, the Fire Chief and/or his/her designee will present the member with a written notice of dismissal, stating the specific reasons for the decision and the process for appeal.
3. The Administrative Assistant will provide information regarding payroll, insurance and benefits.
4. Following the dismissal conference, the Fire Chief and/or his/her designee will allow the member to retrieve all personal items and turn in all departmental issued items.
5. A copy of the written notice of dismissal will be placed in the member's personnel file.

C. Investigatory Suspension

1. An investigatory suspension may be used by the supervisor to provide time to investigate, establish facts, and reach a decision relating to any form of detrimental personal conduct.
2. The supervisor will conduct a private disciplinary conference with the member, informing the member that he/she is being suspended during the investigation of his/her detrimental personal conduct.

3. During the disciplinary conference, the supervisor will present the member with a written notice of the investigatory suspension, stating the timeframe, the specific reasons for the decision and the process for appeal.
4. A copy of the written notice of the investigatory suspension will be placed in the member's personnel file.

D. Disciplinary Suspension

1. A disciplinary suspension may be used by the supervisor for causes relating to any form of detrimental personal conduct.
2. The supervisor will conduct a private disciplinary conference with the member, informing the member that he/she is being suspended due to his/her detrimental personal conduct.
3. During the disciplinary conference, the supervisor will present the member with a written notice of the disciplinary suspension, stating the timeframe, the specific reasons for the decision and the process for appeal.
4. A copy of the written notice of the disciplinary suspension will be placed in the member's personnel file.

E. Demotion

1. A member may be demoted or re-classified as a means of disciplinary action due to detrimental personal conduct.
2. The supervisor will conduct a private disciplinary conference with the member, informing the member that he/she is being demoted due to his/her detrimental personal conduct.
3. During the disciplinary conference, the supervisor will present the member with a written notice of the demotion, stating the specific reasons for the decision and the process for appeal.
4. A copy of the written notice of demotion will be placed in the member's personnel file.

V. APPEALS PROCESS

- A. In order to maintain a harmonious and cooperative relationship between the organization and its members, an appeals process is available for members to appeal an action, free from interference, coercion, restraint, discrimination or reprisal.
- B. The appealing member should first report their grievance to his/her supervisor.
- C. If the supervisor is unable to bring acceptable resolution, then the supervisor along with the appealing member will bring the grievance up through the Chain of Command (Captain to Battalion Chief to Division Chief to Deputy Chief to Fire Chief).
- D. If acceptable resolution is not achieved through the Chain-of-Command, the Fire Chief along with the reporting member will request a meeting with the Appeals Board.
- E. The Appeals Board will consist of appointed members of the Corporate Board of Directors.
- F. The reporting member and the Fire Chief will present the case to the Appeals Board with the Appeals Board reserving the right to uphold, alter or overturn the action.