



Pine-Strawberry Fire District Employment Practices 2-2

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| Subject: Disciplinary Action Program | Page: 1 of 5 |
| Board Approval Date: 10/19/2023 | Effective Date: 11/03/2023 |
| Revision Approval Date: | Revision Effective Date: |
| Board Chair Signature & Date: <i>Chris H. [Signature]</i> 10/19/2023 | |

I. POLICY:

The Pine-Strawberry Fire District (PSFD) believes its employees are its most valuable asset and will normally apply a practice of progressive disciplinary action to correct employee misconduct and/or improve job performance.

II. PURPOSE:

To provide PSFD employees a fair and clear progressive disciplinary action program to assist in correcting unacceptable conduct and/or performance and provide a process for corrective action.

III. DEFINITIONS:

A. Serious Misconduct: wrongful, improper, or unlawful conduct motivated by premeditated or intentional purpose or by gross negligence or obstinate indifference to the consequences of one's actions.

1. This may include (but is not limited to) conduct that may involve harm to another person's health or well-being or disruption of district operations.

B. Conduct unbecoming: misbehavior more serious than slight and of a material and pronounced character rather than inappropriate or unsuitable.

1. Examples of unbecoming can be found in the Standard of Conduct policy.

C. Disciplinary Probation: a period of time in which the member's performance or behavior shall be closely monitored in an effort to affect improvement or change.

D. Counseling: an informal meeting to discuss misconduct or poor performance without employing the formal disciplinary action program; counseling sessions should be documented by the supervisor involved.

- E. Suspension: employee release from work duties with or without pay for a specified period of time.
- F. Demotion: the movement of an employee from their current classification to a lower classification; may include reduction in the employees base pay, either temporarily or permanently.
- G. Termination: the separation of employment with PSFD; terminated employees are not eligible for future employment with PSFD.

IV. PRACTICE:

- A. Each supervisor is responsible for communicating the District Standards of Conduct and job descriptions to employees and for ensuring compliance according to the guidelines of this policy.
- B. Disciplinary actions and the documentation thereof are administered on a progressive basis.
- C. Progressive disciplinary actions are cumulative.
 - 1. Supervisors should use communication and instruction before employing formal disciplinary action.
- D. Disciplinary action should be taken after informal efforts have failed to correct misconduct or job performance and/or due to the seriousness of the misconduct or poor job performance.
 - 1. Disciplinary action can include additional training, probation, suspension, demotion, or termination.
- E. While progressive discipline is favored, there are circumstances when incidents of serious misconduct may result in a higher level of disciplinary action up to and including termination.
- F. The Fire Chief shall be informed of any formal disciplinary action.
 - 1. The Board will be informed of any demotion, suspension, and/or termination.
- G. Disciplinary actions may include the following and may be taken at any step in the Disciplinary action process.

1. Disciplinary Probation: a period of not less than one (1) month and not to exceed six (6) months during which time, if corrections and/or improvements are not made, more serious disciplinary actions may be imposed.

2. Suspension: there are two types of suspensions: Suspension Pending Investigation and Disciplinary Suspension.

a. Suspension Pending Investigation: is a suspension pending the outcome of an investigation and is a paid non-disciplinary, temporary absence from work status to accommodate further investigation; this suspension may be imposed immediately or at any point during the investigation of alleged misconduct.

(1) Suspension Pending Investigation is not a disciplinary action and is not appealable.

(2) The Fire Chief will approve Suspension Pending Investigation.

(3) The Fire Chief must notify the employee of the suspension in writing.

(a) If the allegations are found to be substantiated and disciplinary action is recommended, the Fire Chief will take appropriate action.

(b) If investigation reveals that the allegations are unfounded, the employee will be returned to work on their next scheduled shift.

(4) Documentation related to the investigation will be maintained in a separate, confidential investigation file.

(5) The resulting Disciplinary Action Form (if applicable) will be placed in the employee's personnel file; a copy of the disciplinary action form will also be given to the employee.

b. Disciplinary Suspension: is a temporary unpaid absence from work status which may be imposed as disciplinary action.

a. The Fire Chief must approve Disciplinary Suspensions.

b. Disciplinary Suspensions will not exceed 48 shift hours for career employees.

c. Disciplinary Suspensions will not exceed 40 hours for administrative employees.

H. The first step of formal disciplinary action is a Verbal Warning: a meeting between a supervisor and an employee on the subject of the employee's conduct, performance, or failure to observe a rule, regulation, or instruction.

1. Documentation of a verbal warning is maintained as part of the employee's permanent record in their personnel file.

I. The second and third steps are Written Warnings: actions taken for significant misconduct, inadequate performance, repeated lesser infractions, and/or failure to improve after a Verbal Warning.

1. Written warnings are maintained as part of the employee's permanent record in their personnel file.

J. The fourth step is the Final Written Warning: last step before more serious discipline is used.

K. The fifth step is Demotion or Termination.

1. Demotion or Termination may be warranted if the employee has committed a series of lesser infractions, an act of serious misconduct, a violation of policy, or conduct unbecoming.

a. The Fire Chief will review the employee's personnel file and related documentation prior to the demotion or termination for accuracy and proper process.

b. The Fire Chief must approve all demotions and terminations.

L. During any disciplinary action, it is imperative that the employee be given, prior to the imposition of discipline, the opportunity to express their views and/or explain the circumstances.

M. An employee may appeal any disciplinary action.

N. Once initiated, disciplinary action cannot be removed from the personnel file.

1. For purposes of considering prior disciplinary actions, the severity may be reduced one (1) level twelve (12) months after the date of disciplinary action and one (1) addition level each additional twelve (12) month period.

O. Supervisors should issue corrective actions in a timely manner.

P. Multiple infractions arising from a single incident may be combined in one corrective action step.

Q. The method of conducting and documenting disciplinary action by a supervisor includes but is not limited to:

1. Gather the facts. (Consult with the Fire Chief on any action above Counseling).

2. Prepare and document the disciplinary action in writing on the Disciplinary Action Form, which must include:

a. The reason for the action.

b. Policy or practice violated, unacceptable performance.

c. Action(s) the employee must take to improve, including any training or tasks the employee must complete.

d. Date that the employee will be reevaluated (if required).

- e. Summary of past pertinent disciplinary actions.
- 3. The supervisor must meet with the employee and go over the following:
 - a. The reason for the disciplinary action.
 - b. The list of actions required by the employee and the consequence for failure to meet requirements.
 - c. Prior to imposing discipline, the supervisor will give the employee a chance to express their views or explain the circumstances.
 - (1) Consider the employee's explanation and;
 - (2) If acceptable, close the meeting (normally only during a Counseling session).
 - (3) If the employee's explanation is not acceptable, the supervisor must explain why and advise the employee of ways in which to improve and correct the deficiency.
- 4. The following statement must be on every disciplinary action form in the action to improve section.

“Failure to comply with the required actions, to follow all PSFD policies, procedures, directives, safety requirements, instructions of supervisors and/or management, and /or performance of your duties and responsibilities can and will result in additional and further corrective actions, up to and including termination of employment.”
- 5. The Disciplinary Action Form must be signed by the supervisor and the employee.
 - a. The supervisor must explain to the employee that their signature on the Disciplinary Action Form does not necessarily signify agreeing with it, but acknowledges receipt of the disciplinary action.
 - b. If the employee refuses to sign the Disciplinary Action Form, a witness must sign, and a statement why the employee refused to sign the form must be included.
- 6. Suspensions, demotions, and/or terminations must be signed by the Fire Chief.
- 7. A copy of the Disciplinary Action Form must be given to the employee.
- 8. The Disciplinary Action Form must be filed in the employee's personnel file.
- 9. The supervisor may keep a copy in their files.

V. SCOPE:

This policy applies to career members, reserve members, and administrative staff. Contract employees will be governed by the terms of their contract.

VI. ATTACHMENTS: "Disciplinary Action Form"



PINE STRAWBERRY FIRE DISTRICT

DISCIPLINARY ACTION FORM

To: _____ Date of Action: _____
Employee Name (Print)

ACTION TAKEN:

- ☐ 1st Written Warning
- ☐ 2nd Written Warning
- ☐ Final Written Warning
- ☐ Probation
- ☐ Demotion
- ☐ Termination

SUSPENSION ACTION TAKEN:

- ☐ Suspension, Disciplinary: _____
- ☐ Suspension, Pending Investigation: _____

REASON FOR ACTION: (Number each reason) (Provide Violation and Policy#)

DESCRIPTION OF VIOLATION: (Include violation, policy #, what, when, and where) (number each violation)

ACTION NECESSARY TO IMPROVE: (Number each action)(date of reevaluation)

Failure to comply with the required actions, to follow all PSFD policies, procedures, directives, safety requirements, instructions of supervisors and/or management, and /or performance of your duties and responsibilities can and will result in additional and further corrective actions, up to and including termination of employment.

DATE(S) AND TYPE(S) OF PREVIOUS CORRECTIVE ACTION(S):

SUPERVISOR'S REMARKS: (if needed)

EMPLOYEE'S REMARKS:

SIGNATURES:

Supervisor: _____ Date _____

Witness : (If needed) _____ Date _____

Fire Chief: (Termination/Demotion/Suspension) _____ Date _____

FOR THE EMPLOYEE:

My signature below acknowledges receipt of this disciplinary action and not necessarily my agreement with it. I understand that any additional infractions may result in further disciplinary actions up to and including termination. I have been advised that if I disagree with this action, my recourse is to follow the districts appeal procedure.

Employee: (Signature) _____ Date _____

APPEAL PROCEDURES:

A. The employee has the right to dispute disciplinary action taken through the districts appeal procedure. Non-disciplinary suspension Pending Investigation cannot be appealed.

B. The employee's supervisor or Fire Chief will give the employee a copy of the PSFD Appeal Procedures Policy, a copy of this Disciplinary Action Form, and any attached statements or documents.

Original to Personnel File / Copy to Employee
Attach Additional Statements / Documents (if necessary)
PSFD Disciplinary Action Form Date: 10/2023