

FLORENCE TOWNSHIP FIRE DISTRICT NO.1

710 FIRE DEPARTMENT DISCIPLINE – TYPES OF DISCIPLINARY ACTIONS

PURPOSE:

To establish a standard policy to address conduct that is a violation of the Personal Conduct Code, other provisions of these policies and procedures or written directives.

SCOPE:

POLICY

It is the policy of the Fire District that discipline be administered in a fair and lawful manner.

- A. All District Personnel:** Any and all Fire District personnel may be subject to discipline for failure to comply with his or her duties under these Standard Operating Procedures, the Rules and Regulations established by the Fire District, the duties and/or requirements of any and all Contracts or for the reasons set forth in N.J.A.C., Section 4A:2-2.3.
- B. Permanent Career Employees:** Matters within the sole jurisdiction of the New Jersey Department of Personnel, including, but not limited to, major discipline of permanent career employees, layoffs, and/or the classification of an employee, are governed by the New Jersey Administrative Code, Section 4A:2-2 et seq. (Regulations Governing the Department of Personnel). This Policy and Procedure augments and supplements the New Jersey Administrative Code, Section 4A:2-2 et seq. with regard to major discipline of permanent career employees. Whenever there is a conflict between the New Jersey Administrative Code and this Policy and Procedure with regard to permanent career employees, the New Jersey Administrative Code shall supersede this policy with regard to permanent career employees.
- C. Scope of Policy Subject to above:** Major discipline (suspension in excess of five (5) days) of part time paid and volunteer members and minor disciplinary actions, which consist of a verbal reprimand, formal written reprimand or a suspension or fine of five (5) working days or less, of all Fire District personnel shall be governed by this Standard Operating Procedure.

PROCEDURE FOR DISCIPLINARY ACTION :

In order to establish a standard format for the delivery of various levels of discipline, the following guidelines have been developed.

VERBAL COUNSELING/WARNING SESSIONS:

- 1. Verbal Counseling/Warning:** Should the Chief or appropriate Officer determine that an action or inaction of any member/Employee of the department warrant a verbal warning, then said verbal warning shall be given pursuant to the following guidelines:
 - (a) Verbal Warning/Counseling:** This is the most often used and least severe of the formal group of corrective actions. It is, simply stated, a verbal warning. When

properly administered, it serves to notify employees and volunteers that certain behavior or performance deficiencies need changing/improving or in the absence thereof, that further disciplinary action will take place. The Officer or Supervisor should keep notes of the counseling session for future reference and guidance. Notes or records should be placed in the supervisor's file.

- (b) Memo of Counseling: The Supervisor may elect to document with a Memo of Counseling. This Memo of Counseling may be placed in the employee's personnel file, for a period of time not to exceed twenty-four (24) months.

When the need for a Counseling /Warning session arises, the appropriate Department officer shall:

- A. Gather all the facts concerning the alleged infraction.
- B. Conduct the discussion in private so as to avoid embarrassment or humiliation and to create an atmosphere conducive to important oral communications.
- C. State the reason(s) for the discussion so that the member fully understands those reason(s).
- D. Give the member/employee an opportunity to express his views of the events.
- E. Carefully consider the offending member's/employee's explanation and if appropriate, close the session and take no further action.
- F. If the member/employee's explanation is not acceptable, explain why and in what manner the member/employee can improve or correct his actions.
- G. Repeated offenses of the same or other infractions may result in more severe disciplinary actions as determined by the appropriate officer.
- H. The Chief must be advised of any and all verbal warnings issued by any commissioner or supervisor within twenty-four (24) hours.

WRITTEN REPRIMANDS:

2. **Written Reprimand/Warning:** Should the Chief or other appropriate Officer determine that an action or inaction of any Fire District personnel warrant that a written warning/reprimand be issued, the appropriate written reprimand shall be prepared and issued as set forth below.
 - (a) The Chief or a Supervisor authorized by the Chief may elect to use formal written reprimands to document a repeat offense of a minor infraction, or a more serious single infraction for which suspension, demotion or dismissal is not appropriate. The form used for issuing a formal written reprimand is Florence Township Fire District No. 1 Written Reprimand.
 - (b) The individual issuing the formal reprimand shall keep the original, make a copy for the employee and one for the employee's personnel file, which shall be forwarded to the Fire Chief. In cases involving the performance of a probationary fire fighter, a photocopy of the document shall also be forwarded to the training Officer. The Fire Chief shall forward a copy of any and all written reprimands to the Commissioners.
 - (c) Preparation of Memos of Counseling and Written Reprimands: Either a Memo of Counseling documenting a verbal reprimand or a formal written reprimand shall be addressed from the Supervisor to the member. These documents should be

written as if the member were being told the information in a conversation with the Supervisor. The following must be included in these documents:

- The date the Memo or Reprimand is prepared;
- A description of the incident;
- The rule(s) and/or policy violation;
- An explanation of what is expected of the member in the future, written as a clearly stated objective;
- The signatures of both the Supervisor and the member, as an indication that the member has received a copy of the document and not that the member agrees with the content of the document.
- Additional reprimands for the same or similar infractions may result in more severe disciplinary action

- (d) A Fire District personnel's refusal to sign a Written Reprimand or Memo of Counseling indicating that he or she has received same is grounds for a separate disciplinary action for insubordination.

SUSPENSIONS:

- A. A suspension is a temporary enforced absence from duty and the privileges of membership.
- B. Suspensions may be imposed on persons as part of the escalating disciplinary process.
- C. Suspensions are ordered by the fire Chief or his/her designee.
- D. The Chief or his designee will determine the length of the suspension.
- E. The member/Employee in question will be sent a Notice of Disciplinary Action form which will contain the Chief's determination.
- F. Written records of all suspensions will be kept in the member's personnel file.
- G. Any suspensions of a member will be honored throughout the department.
- H. Suspension Day: In the paid service, a day of suspension shall be defined as 8 hours regardless of the type of shift the employee is working. In the volunteer service, a suspension day shall be a 24 hour period wherein the member may not participate in any departmental activities.
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DISMISSAL:

- A. Dismissal is the most severe type of adverse action in the discipline process. Normally, a progression of disciplinary measures will be applied in an effort to rehabilitate a member before a determination is made to remove him. However, certain violations are serious enough to warrant dismissal for the first offense.
- B. Dismissal proceedings shall be initiated by the filing of a Notice of Disciplinary

Action form.

- C. A dismissal is the most severe disciplinary action therefore written records will be kept by the department in the member's personnel file.
- D. A dismissal of a member will be honored by the department.

RIGHT TO A HEARING:

Any member/employee of the department who is dismissed from the Department or suspended for a period in excess of five (5) days may request a hearing through a timely written request submitted to the Board of Fire Commissioner and Chief.

IF A MEMBER/EMPLOYEE FAILS TO MAKE A WRITTEN REQUEST FOR A HEARING WITHIN TEN (10) CALENDAR DAYS OF RECEIPT OF THE NOTICE OF DISCIPLINARY ACTION FORM, THEN THE PROPOSED ACTION IN THE NOTICE OF DISCIPLINARY ACTION SHALL BECOME FINAL AND UN-APPEALABLE.

Adopted:

Revised:

Readopted: