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## DISCIPLINARY ACTIONS SOG

### SCOPE

This guideline shall apply to all members of the Stoney Point Fire Department (SPFD) and shall be adhered to by all members.

### PURPOSE

All separations of employees from positions in the service of the SPFD shall be designated as one of the following: resignation, reduction in force, disability, retirement, dismissal, or death.

### DEFINITIONS

**SHALL** - Indicates a mandatory requirement.

**STANDARD OPERATING GUIDELINES (SOG)** - Documents that help establish how an organization will operate and how its members are expected to carry out specific duties outlined in general terms.

### GUIDELINE

#### **Types of Separation**

All separations of employees from positions in the service of the SPFD shall be designated as one of the following: resignation, reduction in force, disability, retirement, dismissal, or death.

#### **Resignation**

An employee may resign by notifying the Fire Chief of the effective date as far in advance as possible. A minimum of two weeks' notice is expected of all personnel.

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### Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance as documented by current performance appraisals, organizational needs, and seniority, in determining the employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two (2) weeks notice and 30 day severance pay

### Disability

An employee may be separated for disability when the employee cannot perform the required duties because of physical or mental impairment. The employee or the SPFD may initiate action for disability separation, but in all cases, consideration for disability separation shall be supported by medical evidence as certified by a competent physician. The SPFD may require a physical and/or mental examination at its expense and by a physician of its choice. In disability situations, the employee and the Fire Chief/Clerk to the Board of Directors should review any relevant Americans with Disabilities Act requirements prior to final separation.

### Discipline and Dismissal

An employee may be reprimanded, suspended, demoted, or dismissed by the Fire Chief.

- An employee whose work is unsatisfactory over a period should, under normal circumstances, be notified by the his/her shift supervisor or station captain in what way the employee's work is deficient and what must be done if the work is to be satisfactory.
- An employee who is reprimanded, suspended, demoted, or dismissed for unsatisfactory performance of duties should receive at least three (3) warnings before disciplinary action is taken. First, the employee's immediate supervisor must issue one
  1. Initial written warning.
  2. If the initial written warning does not result in improved performance, the supervisor, specifying the employee's performance deficiencies must issue a second written warning and the steps required achieving satisfactory performance.
  3. If performance still does not improve, the station captain must issue a final written warning.

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A final written warning serves notice to the employee that corrective action must be taken immediately to avoid disciplinary action. The shift supervisor and the department head will record the dates of their discussions with the employee, the performance deficiencies discussed, and the corrective actions recommended and file the information in the employee's personnel file. Copies of the disciplinary action(s) taken are to be given to the Fire Chief for routing and adding to employees personnel file.

- An employee may be reprimanded, suspended, demoted, or dismissed for reasons of misconduct without warning or disciplinary action having been given to the employee.
- An employee may be suspended without notice by the Fire Chief for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When the Fire Chief suspends an employee without notice, the employee shall be required to leave SPFD property at once and remain away until further notice. The Fire Chief will notify the Board of Directors at their next regular scheduled meeting. A written summary giving the circumstances and the facts leading to the immediate suspension shall be prepared; one (1) copy to be delivered to the employee by certified mail, one (1) copy shall be filed in the employee's personnel file.
- Before any disciplinary action is taken, whether for misconduct or unacceptable performance, the Fire Chief may, in his or her discretion, provide the employee with a written notice of proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reason(s) for the action, and a date and time for pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action to the Fire Chief.

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### **Investigatory Suspension**

Investigatory suspension without pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status. Investigatory suspensions without pay may be appropriately used to provide time to schedule and hold a pre-dismissal conference. In addition, the SPFD may elect to use investigatory suspension to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension without pay shall not exceed forty-five (45) calendar days. If no action has been taken by the Fire Chief by the end of forty-five (45) calendar days, one of the following must occur: reinstatement of the employee with full back pay; appropriate disciplinary action based on the results of the



investigation; or reinstatement of the employee with up to three (3) days' pay deducted from back pay.

### Reinstatement

- An employee who resigns while in good standing or who is separated because of a reduction in force may be reinstated within three (3) years of the date of separation, with the approval of the Fire Chief,
- An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or with a reserve component of the Armed Forces will be granted reinstatement rights as provided under federal law.

### Death

Separation will be effective as of the date of death. All compensation due employee will be paid to the estate of the employee.

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