

# Manhattan Fire Protection District

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## PURPOSE

As SOP's are necessary to guide and set standards for the operation of the district, so also are disciplinary policies necessary to insure fair and consistent application of any necessary discipline action. To this end the key in selecting fair and appropriate action is as follows:

1. Make sure that the action corresponds to the seriousness of the offence.
2. Make sure all conditions and circumstances surrounding the alleged offenses are fully investigated.
3. Make sure that the employees past work record is taken into consideration.
  - a. The principle objective of disciplinary action is to improve or correct the performance efficiency and morale of the employee receiving the discipline as well as that of the District. Disciplinary proceedings and the results there of are confidential.

## SCOPE

Violation of any established policy, procedure or guideline; conduct deemed inappropriate for district employees and refusal to comply with verbal or written SAFE work instructions will subject the employee to disciplinary action.

The provisions of this policy do not apply to full-time, paid firefighters who shall be governed by the Illinois Fire and Police Commissioner Act and the Illinois Fire Protection District Act.

## ENFORCEMENT

The primary responsibility for adherence to this procedure rests with the Fire Chief or his designate. Other officers from Deputy Chief to Lieutenant may take the following disciplinary measures.

1. Verbal reprimands / matter of record.
2. Letter of Warning (subject to approval by the Chief).
3. Emergency suspension of not more than 24 hours as provided in the foregoing under the provision for suspension.
4. Provide written recommendations for other penalties to the Chief or his designate.

## APPLICATION

There are (4) four formal measures that can be used in a disciplinary action brought by the district against an individual. Wherever possible, progressive discipline shall be applied. It is not necessary that these measures be assessed against an individual in any particular order, or that one or another measure must precede other measures.

The measure assigned in any case should depend upon the severity of the infraction.

The following disciplinary actions may be taken against any employee or department member:

**VERBAL REPRIMAND** - This is the course of action that is taken by an Officer or the Fire Chief in an instance of less serious offense where corrective action is warranted. In the reprimand, the employee must be made aware of the problem(s) and the corrective action(s), must be taken to resolve it. The reprimand should be given private and the District should maintain a complete record of the action in the employee's personnel file and known as a matter of record.

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**LETTER OF WARNING** - This action is taken by an Officer or the Fire Chief when there has been a recurrence of an incident for which a verbal reprimand has been given, or alternatively in the first instance of a more serious offense. This letter must include a description of the violation, and an outline of the incident. The letter of warning is approved by the Fire Chief and placed in the employee's personnel file.

**SUSPENSION** - A suspension is the temporary removal of an employee from service. Suspension may be assessed as a progressive disciplinary step, or in appropriate circumstances may be the first disciplinary action taken. When a suspension is enacted, a notice of suspension shall be given to the offending employee. The notice shall contain complete documentation of the circumstances surrounding the incident, length of suspension, and the exact rule or rules that were violated. The suspension is also to be placed in the employee's personnel file. An employee may also be suspended with pay by the Fire Chief or the Board of Trustees under appropriate circumstances, including among others when it is determined that the best interest of the District or the public are served by temporarily removing the employee from active duty or when suspension is justified pending investigation of the matter. The following personnel in descending order have the authority to impose emergency suspension until the next business day against an employee when it appears that action is in the best interest of the District:

1. Fire Chief or in his absence;
2. Deputy Chief or in his absence;
3. Battalion Chief or in his absence;
4. Captain or in his absence; or
5. Lieutenant

Wherever possible, the highest ranking officer on duty shall be the individual to impose an emergency suspension under this provision.

**DISMISSAL** - The Fire Chief shall have the right to dismiss employees for just cause. While the Chief shall be expected to follow progressive discipline, the Board recognizes there are certain instances where dismissal may be imposed upon the first offense. These offenses include, but are not limited to, the following:

1. Possession, use or sale of controlled substances
2. Act of harassment
3. Theft
4. Insubordination
5. Fighting
6. Falsification of Records
7. Conviction or court supervision for the offense of driving under the influence either as a state or related charge.

## Complaints by Citizens Against District Personnel

All complaints by citizens against employees of the district shall be recorded and investigated by the Fire Chief or his designate. This is to be done as soon as possible in accordance with following directions. When the complaint is registered on a weekend or cannot be completed on the date it is received, a preliminary report will be written and delivered to the Fire Chief for his notification. If in

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the opinion of an officer and the incident is of such gravity, the officer shall notify the Fire Chief regardless of the hour. In addition, immediate action must be taken to preserve the integrity of the Department until the Chief's arrival on the scene.

**Reports of Investigation of Misconduct** - The Fire Chief or his designate, assigned to investigation on the part of an employee of the District shall conduct a thorough and accurate investigation. All investigations shall include formal statements, interviews from all parties concerned, and gathering of physical evidence including pictures pertaining to the incident. Also any other information concerning matter.

**Conclusion of Investigation** - All investigations of district personnel accused of misconduct shall conclude with one of the following:

1. Unfounded - The investigation indicates that the act or acts complained either did not occur or failed to involve a district employee.
2. Exonerated - Acts did occur but were justified, lawful and proper.
3. Not sustained - Investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
4. Sustained - The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.

Results of the investigation must be reduced to a written report. The investigator should summarize the facts including the following:

1. Summary of the complaint, offence or alleged act of misconduct.
2. Important portions of the statements of all people involved with the incidents that are interviewed.
3. A general description of the incident and or evidence important to the case.

**Grievance Procedure** - Any employee receiving a suspension of more than five days or discharge shall be entitled the right to appeal the discipline by requesting in writing a hearing before the Board of Trustees within (8) eight days after notification of the discipline. The request for the appeal hearing must be filled with the Fire Chief and a hearing notice shall be given at the next regular Board of Trustee meeting. Upon conclusion of the appeal hearing, the Board may sustain the actions of the Fire Chief, may reduce the discipline, or reverse the discipline against the employee. Grievances not appealed within the proper time limits set forth in the above procedure are considered resolved on the basis of the discipline administered.

**Statute of Limitations** - All disciplinary actions will expire in validity (2) two calendar years from the date of the written notification. They may remain in the discipline file, but may not be brought up, acted upon, or used against an employee if the (2) two-year time frame has expired.

John E. Fitzgerald, Chief  
Signature of Chief

