



MANAGEMENT POLICY

POLICY NUMBER:
101.15

SUBJECT:

Corrective Action/Disciplinary Process

EFFECTIVE DATE:
11/22/2010
REVISED DATE:

I. Purpose

To promote a productive and efficient work force through effective corrective action and disciplinary processes which correct, strengthen and guide District employees toward greater productivity and professional satisfaction.

II. Scope

Applies to all employees of the Rio Verde Fire District

III. Policy

This policy outlines steps and procedures to follow when supervisors/managers initiate non-disciplinary or disciplinary corrective action in response to such matters as poor work performance or inappropriate conduct; or violation of any District policies or procedures. This policy does not create an obligation for supervisors/managers to follow progressive corrective or disciplinary action in every circumstance. Supervisors/managers shall administer corrective/disciplinary action in a positive and respectful manner.

IV. Definitions

A. Appeal

1. An employee may appeal a corrective or disciplinary action that results in a monetary loss. These actions may include:

- a) Disciplinary probation
- b) Suspension
- c) Demotion
- d) Dismissal

2. The Rio Verde Fire District complaint/appeals procedure is outlined in Management Policy 101.21, Complaint/Appeals Procedure.

B. Corrective/disciplinary actions include, and shall be limited to the following:

1. Verbal reprimand
2. Written reprimand
3. Disciplinary probation
4. Suspension
5. Demotion
6. Dismissal

C. Non disciplinary actions include the following:

1. Verbal counseling
2. Written counseling
3. Performance action plans

- D. Pre-Deprivation Hearing
 1. The pre-deprivation hearing is the process that allows the employee to present evidence either orally or in writing (or both) as to why the proposed disciplinary action is not warranted.
 - 2.
- E. Progressive Discipline
 1. Progressive discipline is the practice of implementing the lowest appropriate level of disciplinary or non-disciplinary corrective action and then advancing to higher levels in response to misconduct or poor performance. Although supervisors are encouraged to adhere to progressive discipline, they are not required to do so. Certain serious infractions may require severe disciplinary action without receiving less discipline first. Progressive discipline does not necessarily begin again for subsequent misconduct of a different nature.
- F. Supervisors/managers
 1. Listed by increasing level of authority
 - a) Engineer (Acting Captain)
 - b) Captain
 - c) Deputy Chief
 - d) Fire Chief
- V. Procedure
 - A. Supervisors/managers reserve the right to appropriately discipline employees for certain serious violations, up to and including dismissal, without being required to follow progressive disciplinary steps.
 - B. Non disciplinary procedures
 1. Verbal counseling
 - a) A discussion between a supervisor and employee where the supervisor notifies an employee about a problem and counsels the employee about potential consequences should the problem continue. Verbal counseling's should be documented in the supervisor's workstation file for that employee.
 2. Written Counseling
 - a) A memo from a supervisor that documents and counsels an employee about a performance and/ or behavior issue, and identifies potential consequences should the problem continue. Written documents of the performance and/or behavior issue shall be signed by the employee or a witness (if the employee refuses to sign) and shall be documented in the supervisor's workstation file for that employee.
 3. Performance Action Plan
 - a) A written plan that alerts an employee about a performance problem and provides a period of time to correct the performance. The plan outlines the supervisor's performance expectations, steps to be completed by the employee, timeline for completion, and warns the employee of the potential consequences for failing to complete the plan successfully. A performance action plan is signed by the employee or a witness (if the employee refuses to sign) and documented in the supervisor's workstation file for that employee.
 - C. Disciplinary procedures

1. Verbal Reprimand
 - a) Discussion between the supervisor and the employee to provide the employee with an understanding of the problem and set forth a course of action to achieve satisfactory performance or conduct. The supervisor shall document the conversation in a written memorandum describing the problem or incident(s), how to attain the desired performance, summarize the course of action being taken, timeline for completion, and state the potential for further action. This letter shall be signed by the employee or a witness (if the employee refuses to sign) and the supervisor and shall be placed in the employee's official personnel file.
2. Written Reprimand
 - a) Documentation of a repeat offense of an infraction, or a more serious single infraction for which suspension, demotion or dismissal may not be warranted. This shall be documented in a letter of reprimand, describing the nature of the problem, any previous or related conversations or actions (if applicable), as well as the behavior or performance improvement plan that has been designed to correct the problem. All Written Reprimands shall be discussed between the supervisor and the next level manager prior to being administered. This letter shall be signed by the employee or a witness (if the employee refuses to sign) and the supervisor and shall be placed in the employee's official personnel file. Additionally, a copy of the documentation shall be provided to the employee. The employee shall be given the option to provide a written response to attach to the disciplinary letter within seven calendar days of receipt.
3. Disciplinary Probation
 - a) An employee may be placed on disciplinary probation for poor performance or violations of policies and procedures. Disciplinary probation will not exceed 12 months and cannot be extended beyond its original length. Disciplinary probation is intended to notify the employee that any act(s) by the employee, which could result in further disciplinary action, occurring while the employee is on disciplinary probation, may be grounds for suspension, demotion or dismissal. All disciplinary probations shall be approved in advance by the Fire Chief. Prior to implementing the disciplinary probation, the procedure outlined in Section V, item D, 1 of this policy shall be followed. While on disciplinary probation, an employee will not receive a merit increase or compete in any promotional testing opportunity. The employee's salary will be set by the Fire Chief at a rate no more than the current salary and no more than five percent below that salary for the duration of the disciplinary probation. The disciplinary probation letter shall be signed by the employee or a witness (if the employee refuses to sign) and the supervisor and shall be placed in the employee's official personnel file.
4. Suspension
 - a) If an employee's conduct or performance is deemed severe enough, an employee may be released from work duties and placed on suspension without pay. Suspension without pay shall be for a specified period of time not to exceed two hundred and forty (240) hours in any twelve (12) month period. In such a situation, the supervisor shall confer

with the next level manager to determine the length of the suspension. All suspensions shall be approved in advance by the Fire Chief. Prior to implementing the suspension, the procedure outlined in Section V, item D, 1 of this policy shall be followed. The final action shall also be documented in a written letter, describing the nature of the problem, any previous or related conversations or actions (if applicable), and a performance action plan that has been designed to correct the problem. This letter shall be signed by the employee or a witness (if the employee refuses to sign) and the supervisor and shall be placed in the employee's official personnel file. The letter shall be placed in the employee's official personnel file. A copy of this documentation shall be given to the employee prior to the effective date of the suspension. The employee shall be given the option to provide a written response to attach to the letter within seven calendar days of receipt.

5. Demotion

a) If an employee's continued performance in his/her current position is not in the best interest of the District, the District may demote the employee to a lower rank and salary. A demoted employee shall be placed on disciplinary probation for a period of at least ninety (90) days, but not more than one (1) year. All demotions must be approved in advance by the Fire Chief. Prior to implementing the suspension, the procedure outlined in Section V, item D, 1 of this policy shall be followed. The final action shall be documented in a written letter, describing the nature of the problem and any previous or related conversations or actions (if applicable). The letter shall be signed by the employee or a witness if the employee refuses to sign, and the supervisor. The letter shall be placed in the employee's Official personnel file. A copy of this documentation shall be given to the employee prior to the effective date of the demotion. The employee shall be given the option to provide a written response to attach to the report within seven calendar days.

6. Dismissal

a) If the employee's conduct or performance is deemed severe enough, or the determination is made that the employee has been unable to or unwilling to achieve a satisfactory level of performance, the employee shall be subject to dismissal. The Fire Chief shall administer all dismissal decisions. Prior to implementing the dismissal action, the procedure outlined in Section V, item D, 2 of this policy shall be followed. It is to be noted that while progressive discipline is generally afforded, certain violations or conduct may be deemed severe enough to warrant immediate dismissal without prior steps being taken. If it is determined that continuation of employment is not in the best interest of the employee or the District, all facts, conversations, and actions shall be thoroughly documented and submitted with the termination letter for processing of the termination.

D. Disciplinary Process

1. In any disciplinary action involving a disciplinary probation, suspension or demotion, the supervisor shall provide the employee with a letter of discipline stating:

a) The specifics of the employee's conduct,

- b) The disciplinary action,
- c) The disciplinary action timeline
- d) Notice of a time and place for the employee to have a Pre-deprivation hearing with the Fire Chief in order for the employee to respond and present to the Fire Chief any and all reasons why he/she believes the intended dismissal should be reconsidered.
- e) Statement of the employee's right to respond in writing to the supervisor, within five calendar days of receipt of the letter, to set forth any and all reasons why the intended discipline should not be implemented,
- f) Statement that the employee shall understand that failure to respond within the time limit shall waive the right to respond, but may still be entitled to appeal the disciplinary action as covered in the Rio Verde Fire District, Management Policy 101.21, Complaint/Appeals procedure,
- g) Statement that the employee's written response shall be considered prior to the disciplinary action being imposed.

2. If the Fire Chief determines that the employee is to be dismissed, the employee shall be placed on paid administrative suspension, and the Fire Chief shall issue a dismissal letter stating the following:

- a) The specifics of the employee conduct,
- b) The intended timing of the dismissal action
- c) Notice of a time and place for the employee to have a Pre-deprivation hearing with the Fire Chief in order for the employee to respond and present to the Fire Chief any and all reasons why he/she believes the intended dismissal should be reconsidered.
- d) Statement that the employee's response shall be considered prior to the disciplinary action being imposed.
- e) This notice shall be served directly on the employee or delivered by certified mail.
- f) A signed receipt (unless refused) shall be attached to the copy of the notice and placed in the employee's official personnel file.

3. Pre-Deprivation Hearing

- a) The Fire Chief shall schedule and conduct a pre-deprivation hearing for the following disciplinary actions:
 - (1) Disciplinary Probation
 - (2) Suspension
 - (3) Demotion
 - (4) Dismissal
- b) The pre-deprivation hearing is intended to allow the employee to present evidence either orally or in writing (or both) as to why the proposed disciplinary action is not warranted.
- c) Pre-deprivation hearings shall be tape recorded.
- d) The employee is allowed to bring a personal representative to the hearing. If the employee representative is a District employee, the representative must secure the approval of the representative's supervisor before attending. Should the representative's supervisor refuse the request, the employee may request permission from a higher ranking officer. If approval is denied, the employee may select an alternate personal representative.

- e) The Fire Chief shall not make a decision at the hearing and shall weigh all the evidence prior to making a final decision on the issue.
- f) The Fire Chief's disciplinary action decision shall be documented in a final letter and presented to the employee prior to the effective date of the action. This letter shall be signed by the employee or a witness (if the employee refuses to sign) and the Fire Chief and shall be placed in the employee's official personnel file.
- g) Disciplinary action letters shall be hand delivered, or in the case of a dismissal, delivered via certified mail.