

Subject:	DISCIPLINARY ACTION AND DISCHARGE
Section:	PPG# 2604
Chapter:	Personnel
Effective Date:	2/8/07

POLICY

Disciplinary Action and Discharge

Staff members who fail to follow the reasonable directions of the chief or who conduct themselves on or off the job in ways that significantly affect their effectiveness on the job shall be subject to discipline. Behavior, conduct or action which may institute disciplinary action or termination may include, but is not limited to:

- Immorality
- Reporting to duty at station or at scene of emergency response under the influence of alcohol;
- Possession, use, or transmission of illegal chemical substance or opiates
- Falsifying information to obtain employment or to receive additional compensation
- Dishonesty
- Insubordination
- Convictions for violation of criminal code while employed with the department
- Discourteous treatment of public or fellow employees
- Any act of omission or commission to injure public service
- In competency
- Inefficiency or inattention to or dereliction of duty
- Mental or physical unfitness for the position
- Conviction of a felony or a misdemeanor involving moral turpitude
- Violation of the adopted policies of the department.

The efficiency and effectiveness of the department is dependent on the conduct of its staff. Exemplary conduct is expected at all times. When a staff member violates a code of conduct, the chief shall act accordingly. Disciplinary action may range from an oral admonishment to termination.

The chief or designee may suspend a staff member immediately. The staff member has the right to meet with the chief within five business days to hear the charges

against him/ her.

ORAL ADMONISHMENT

The district management and supervisory personnel shall endeavor to promote and strengthen self-discipline among members through self-example, training and proper supervisory methods. Whenever this fails, the problem may be one of training, or it may be intentional in nature.

1. **Training Problem.** Sometimes, violations of rules/ regulations and/ or policies' occur due to ignorance of the requirement on the part of the member. In such cases, the supervisor's first approach should be on of training:
 - a. Determine the problem.
 - b. Explain to the member the regulation involved and the reason for the same.
 - c. Allow the member a chance to explain his/ her actions.
 - d. Allow time for improvement.
 - e. Follow up and re-contact the member to see how things are going.
 - f. If necessary, set up an improvement plan with points of evaluation at set time intervals.
2. **Intentional Breach of Rules/ Policies.** Whenever an intentional violation has accrued, the supervisor must act promptly but not hastily. The informal means of disciplinary action may be all that is necessary to correct the situation. On the other hand, the informal process is a vital part of determining the need for formal disciplinary action. On intentional actions:
 - a. Determine the problem.
 - b. Discuss the problem with the member as soon as possible following the infraction.
 - c. Explain the regulation involved and the reason for the same.
 - d. Allow the member a chance to explain his/ her actions.
 - e. Inform the member that the discussion in progress is, in fact a reprimand and that continuing willful disregard of rules/ regulations and/or policies will lead to formal disciplinary action of severe nature.
 - f. Follow up on the situation.
3. **Consultation.** Supervisors involved in disciplinary actions who may desire assistance or input should feel free to contact their direct supervisor and draw upon his/ her knowledge in such matters. In all cases where a formal disciplinary action is being considered, individuals shall inform and consult with their direct supervisor.

SUSPENSION OR DISCHARGE

Whenever informal means of disciplinary action fail or whenever there has been

intentional and flagrant disregard for the accepted norms and standards of behavior, formal disciplinary action may be considered as the corrective measure. The following outlines the formal Disciplinary Action System to be followed.

1. **Initial Notice.** The chief shall give the concerned member written notice of proposed disciplinary action. Such notice shall include a statement of the reasons for the proposed action.
2. **Documentation.** The concerned member shall be allowed to review the documents, materials, names of witnesses and other evidence upon which the proposed action is based. Said documents, materials and evidence shall be provided, together with the notice as specified in No. 1 above.
3. **Right to Respond.** After a reasonable opportunity to review the documents, materials, charges, and other evidence presented, the member shall have the right to respond, either orally or in writing, to the chief.
4. **Right to Representation.** The affected member shall have the right to be represented by a person chosen by the member (at the member's expense, if any) during the disciplinary procedure.
5. **Investigatory Interview.** An investigatory interview of involved parties may be necessary before any final employment action may be taken.
6. **Further Investigation.** If the member's version of the facts create doubt as to the accuracy of the information provided, the chief shall initiate, or shall cause to be initiated, a further investigation of the factual situation leading to the proposed action.
7. **Notice of Planned Termination Action.** Upon completion of the investigation, the member shall be given written notice of
8. **Pre-Termination Hearing.** Members who are not "at will" are entitled to a pre-termination "Loudermill" hearing before they may be terminated.
9. **Implementation of Disciplinary Action.** Upon the completion of the procedures set forth above, the affected member shall be informed by the chief, in writing, of the action being taken.

APPEAL

A staff member who is terminated has the right to appeal his or her discharge to the board of commissioners, provided that he/ she writes an appeal to the board within three (3) working days after the discharge. The board of commissioners will schedule a date for the meeting and notify the staff member in writing of the time and place.

After the appeal hearing, the board will notify the discharges staff member in writing of its decision within ten (10) working days. The board's decision will be final.

If the terminated person was authorized to sign checks, the chief shall immediately notify all commercial banks with district accounts of the termination.

REFERENCES

Cross Reference: Policy 2440 Code of Conduct
Policy 2605 Staff Assistance Program

Legal Reference: RCW 41.08.080 Grounds for discharge, reduction or
deprivation of privileges