

## ESCAMBIA COUNTY FIRE-RESCUE

*Rules, Policies, and Guidelines*

**1110.005**

### **Progressive Discipline**

Implemented: 8/1/04

Revised: 7/22/14



Patrick T Grace, Fire Chief

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#### ***PURPOSE:***

Personnel that fail to follow established ECFR rules, policies, or guidelines will be subject to disciplinary action.

#### ***OBJECTIVE:***

To provide personnel with a policy that outlines the progressive disciplinary actions that will be taken against personnel in the event that disciplinary action is warranted.

#### ***SCOPE:***

All Personnel

#### **PROGRESSIVE DISCIPLINE**

Disciplinary action will be taken against personnel when a rule, policy, or guideline of the County or ECFR is violated, when work performance is not satisfactory, or when other inappropriate behavior is exhibited. The progressive discipline policy of ECFR shall exhibit promptness, impartiality, consistency, and fairness, where personnel know what to expect as the result of certain behaviors pertaining to their job.

The ECFR progressive discipline policy is designed to prevent future occurrences of the same behavior by personnel. Disciplinary actions taken against personnel are expected to be the least serious needed to prevent future occurrences of inappropriate behavior. However, individuals that continue to exhibit inappropriate behavior or performance can expect further and more serious discipline.

The Escambia County policy on "Discipline" is hereby incorporated into this document by reference, and except where noted, that policy shall be in effect for all personnel.

#### **DISCIPLINARY ACTIONS**

The following types of disciplinary actions may be taken against personnel. In order of severity, they are:

**LETTER OF COUSLING** – A Letter of Counseling is the least severe type of disciplinary action and may be used to admonish personnel for committing a minor violation when verbal counseling, correction, and/or guidance has failed to provide the necessary corrective action. A "Notice of Letter of Counseling" shall be completed and provide documentation that the counseling occurred. The Notice of Letter of Counseling shall outline deficiencies and/or violations and offer recommendations for improvement to the violator. A Letter of Counseling shall be forwarded to Headquarters and will be maintained at the department level.

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**WRITTEN REPRIMAND** – A Written Reprimand is admonishment given to personnel in writing, and is always placed in their county personnel file. This form of discipline is more serious than a Letter of Counseling, but less serious than a suspension. A Written Reprimand often serves as the type of discipline given for a repeated offense or minor violations or for the first offense of a more serious violation. A “Notice of Reprimand” shall be completed by the supervisor and forwarded to headquarters. If a Letter of Counseling has been previously issued concerning a like violation, a copy shall be attached as supporting documentation.

**SUSPENSION (Volunteer Personnel)** – Suspension is a severe form of discipline and involves time off. It is used when a Written Reprimand has not corrected the inappropriate behavior or when an offense is more serious than that warranting a reprimand. A suspension may last from one (1) to thirty (30) days depending on the seriousness of the infraction. Any recommendation for suspension shall utilize a “Notice of Pending Disciplinary Action” and will be forwarded to headquarters.

**ADMINISTRATIVE LEAVE (Volunteer Personnel)** – If the Fire Chief or Deputy Chief determines that volunteer personnel pose a severe threat to the health or safety of themselves or co-workers, or if it is suspected that an extremely serious violation has occurred, personnel may be placed on Administrative Leave pending an investigation.

**SUSPENSION WITHOUT PAY (Career Personnel)** – Suspension is a severe form of discipline and involves time off without pay. It is used when a Written Reprimand has not corrected the inappropriate behavior or when an offense is more serious than that warranting a reprimand. A suspension may last from one (1) to thirty (30) days depending on the seriousness of the infraction. Any recommendation for suspension shall utilize a “Notice of Pending Disciplinary Action” and will be forwarded to headquarters.

**SUSPENSION WITH PAY (Career Personnel)** – If the Fire Chief or Deputy Chief determines that career personnel pose a severe threat to the health or safety of themselves or co-workers, or if it is suspected that an extremely serious violation has occurred, personnel may be suspended with pay pending an investigation.

**INVOLUNTARY DEMOTION** – Demotion is a severe form of discipline. Personnel may be demoted when recurring disciplinary problems or a serious single incident indicates that personnel are not willing and/or able to conform to the expected standards of the position held. Termination may be sought without consideration of this form of disciplinary action.

**TERMINATION** – Termination is the most severe form of discipline. It is normally used when personnel have been disciplined repeatedly yet continue to commit violations or infractions. It may also be used when the employee has committed a very serious

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infraction, regardless of disciplinary history. Recommendations for termination will be submitted to headquarters on a "Notice of Pending Disciplinary Action".

The frequency and severity of infractions committed by personnel will dictate what disciplinary actions will be taken. However, uniformity will be maintained when addressing disciplinary actions with all personnel.

### **PERSONNEL RECORDS**

Letters of Counseling and Written Reprimands may be removed from an individual's personnel folder after two (2) years. However, suspensions, demotions, directed reassignments, unsatisfactory performance appraisals, and performance improvement plans are permanent actions and shall be retained in one's personnel file indefinitely.

### **APPEALS PROCEDURE**

Letters of Counseling are grievable up to step 2 only. However, personnel may grieve recommendations for suspension, demotion, or termination in accordance with the collective bargaining agreement.

Personnel shall receive a Notice of Pending Disciplinary Action when the possibility of suspension, demotion, or termination exists. The notice shall contain information detailing the alleged violation and the consequences being considered if the allegation is supported by an investigation.

Personnel shall be afforded five (5) working days to provide a written response to the initiating supervisor, showing cause as to why disciplinary action should not be taken. In order to remain timely, the disciplinary action shall move to each higher level for approval or disapproval within five (5) working days of the signature of the previous authority.

**Career Personnel only**, may appeal the matter to the Merit System Protection Board as referenced in section 21.4 of the Human Resources Policies and Procedures Manual or in accordance with the collective bargaining agreement.

**Volunteer Personnel only**, may request that the matter be referred to a Disciplinary Review Board. This board will be comprised of two (2) personnel selected by the member and two (2) personnel selected by Fire Administration. Collectively, they will select a fifth member who shall serve as the Board Chairperson. When this board is convened, they shall objectively hear all of the evidence in the case and make a fair and impartial decision and make a written recommendation to the Fire Chief or his / her designee within 5 working days.

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### **PUNISHABLE OFFENSES**

All ECFR personnel are expected to thoroughly review and understand all rules, policies, directives, and guidelines that affect him/her in the performance of their duties. Failure to comply will most likely result in personnel being charged with a punishable offense.

Most offenses will fall into one (1) or more of the following categories:

#### **INCOMPETENCE**

- Inability to perform up to accepted work and/or performance standards
- Habitual tardiness, absenteeism, lack of participation, and/or abuse of leave privileges
- Failure to maintain license, certification, or other credential required for employment

#### **INSUBORDINATION**

- Violation of county, department, or division rules, directives, orders, or guidelines
- Disregard for or repeated failure to follow the instruction or direction of a supervisor or superior officer
- Disorderly or inappropriate physical or verbal conduct
- Inappropriate use of ECFR identification, including uniforms
- Granting permission to a subordinate to violate any rule, policy, regulation, or guideline, whether explicit or condoned through inaction
- Failure to work overtime, special hours, or special shifts or be on stand-by as directed

#### **NEGLECT OF DUTY**

- Causing damage or loss of public, private, or ECFR property or equipment through negligence or misconduct
- Fraud, waste, and/or abuse of county and/or ECFR property or time
- Absence without approved leave
- Leaving assigned workstation or area during regular working hours without permission
- Violating a safety rule or practice or any conduct which affects the safety of others
- Operating an ECFR vehicle or equipment in a wanton disregard for safety, including while under the influence of drugs, legal or illegal, and/or alcohol
- Failure to promptly report any on-the-job accident or injury to the appropriate authority
- Unauthorized release of information or records
- Unauthorized vending or solicitation on county or fire station property
- Failure to maintain assigned duty station until relieved where operations are continuous

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- Carelessness that results in an injury, at least \$100 damage, or financial liability to the county
- Failure to report to Fire Chief a subpoena or request for information from a law firm, that relates to county or ECFR operations or business
- Willful neglect in performance of duties

### UNETHICAL ACTS

- Falsification or misrepresentation of any document or record completed in the course of duty
- Violation of ECFR policies relating to impartiality, use of public property, conflict of interest, disclosure, or confidentiality
- Conviction of a felony, a misdemeanor conviction involving moral turpitude, or any first-degree misdemeanor
- Unauthorized possession of firearms, explosives, or weapons at fire stations or other county property
- Attempting to coerce or influence a member of the public, fellow co-workers, subordinates, or supervisors with services, gifts, loans, or other consideration or receipt of a fee, gift, or item when such is given or accepted in the expectation of receiving a favor or preferential treatment
- Engaging in any employment, activity, or enterprise which is illegal, incompatible, or in technical conflict with one's duties and responsibilities as a county employee
- Theft or unauthorized removal or use of county or ECFR property
- Theft or unauthorized removal, possession, or use of another's personal property, tools, or equipment without consent
- Concerted curtailment or restriction of production or interference with work or operations in or about work stations including, but not limited to, instigating, leading, or participating in any walk-out, sit-down, slow-down, sick-out, demonstration or participation in a strike as defined by Florida Statute
- Violation of ECFR Workplace Environment policies

The offenses listed above are examples only. Officers reserve the right to discipline any proven misconduct and are not limited only to the infractions specified in this policy.