

Progressive Discipline

217.1 PURPOSE

To establish guidelines for disciplinary procedures within the Department, promote high morale among employees and encourage the public's acceptance and support.

It is the policy of this Fire & EMS Department to follow a progressive system of discipline for infractions of town and departmental policies and procedures and job performance standards.

217.2 GENERAL

The intent of this progressive discipline policy is to prevent undesirable conduct or behavior and to promote a work environment where employees will comply with directives and job performance standards. Progressive discipline includes discharge for first time offenders if the member's actions cause serious damage to the employment relationship.

Progressive discipline is a series of warnings administered in cases of wrong doing by the employee. Progressive discipline may involve skipping levels as well as reversing levels based on a case-by-case basis and an analysis of the aggravating and mitigating factors listed in this order. Progressive discipline may include a series of repeated warnings or further punitive actions.

- Level One: Verbal Warning (documented)
- Level Two: Written Warning
- Level Three: Suspension
- Level Four: Termination

Both levels two and three can include other measures such as but not limited to, loss of part time work opportunities for a period of time as determined by the Fire Chief.

Not every administrative intervention to correct problem conduct or behavior is discipline. Other corrective measures may include but are not limited to: supervisory counseling, remedial training, performance improvement planning, demotions for incompetence, job reassignments and fault and no fault terminations.

Discipline will be used when a member commits an infraction of department policies and/or procedures and substantial evidence supports that the member knew (or should have known) what was expected; had the opportunity to comply; had the abilities (or should have had the abilities) to comply; and, knew (or should have known) the consequences for non-compliance.

217.3 JUST CAUSE DEFINED

Seven principles provide a functional definition of the just cause principle. They are:

- Members receive advance notice (expressed verbally, through common practice or in writing) of what was required or prohibited and the consequences for failure to comply with such expectations.

Progressive Discipline

- (b) A rational relationship exists between what is required performance and efficient, effective and safe operations of the Department. It is to be assumed that all directives of management are reasonable and rational until proven otherwise by the member contesting them.
- (c) Fact-finding efforts were made to determine the member's failure before action is taken against the member.
- (d) A fair and objective investigation was held to determine the facts and the member was given the opportunity to review the charges, represented (if entitled to representation) and a chance to respond to the charges.
- (e) Substantial evidence exists to prove the member is responsible. Substantial evidence shall mean that the evidence would lead a reasonable person to believe that the employee was culpable and committed the offense.
- (f) Discipline was applied without unlawful discrimination.
- (g) The level of discipline was reasonably related to the seriousness of the proven offense as well as the member's employment and work history.

217.4 AGGRAVATING AND MITIGATING FACTORS IN PENALTY ASSESSMENT

Except in summary dismissal cases and in accordance with the seventh principle of just cause, one or more of the following factors are taken into consideration in the assessment of disciplinary penalties. Factors are applied on a case-by-case basis.

- (a) The nature and seriousness of the offense and its relation to the employee's duties, position and responsibilities including whether the offense was intentional, technical, inadvertent or was committed maliciously or for gain or was frequently repeated.
- (b) The employee's job level and type of employment including supervisory role, contacts with the public and prominence in the position.
- (c) The employees past disciplinary record.
- (d) The employees past work record, including length of service, performance on the job, ability to get along with fellow workers and dependability.
- (e) The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisors' confidence in the employee's work ability to perform assigned duties.
- (f) The consistency of the penalty with those imposed upon other employees for the same or similar offenses.
- (g) The notoriety of the offense or its impact upon the reputation of the Department.
- (h) The potential for the employee's rehabilitation.
- (i) Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved in the matter.

Dover Fire Department

Policy Manual

Progressive Discipline

217.5 PROBATIONARY EMPLOYEES

All new members and all promotion or new job assignments have a minimum of six months probation. Probation may be extended as necessary to further evaluate the employee in said position. This extension must be in writing and provide reasoning for the extension.

Discipline of probationary members shall be in accordance with Town rules and regulations and they shall have no right to file an appeal of such action through the established grievance procedure.