

Progressive Discipline

7.01 Scope:

To operate an organization such as the Town of Menasha Fire Department in a safe, orderly and effective manner, certain rules and regulations are necessary. The orderly direction of personnel includes the administration of discipline by supervision. It is the desire of the department to exercise a style of management that creates an attitude and organizational climate in which individuals will willingly conform to established standards and rules and regulations. Supervisors are expected to seek to build in the department a sense of personal responsibility and self-discipline. We are fortunate in the Town of Menasha Fire Department that most individuals do recognize that acceptance of some limitations on their conduct and performance is necessary to achieve their goals and the goals of the department.

An important aspect of discipline is that each individual should know what, how, and why he/she is supposed to do his/her job; he/she should know what the management policies and rules and regulations are; and he/she should be systematically instructed as to performance standards. Rules and performance standards should be fair, attainable with reasonable effort, and be consistent from job to job. The attached guidelines for disciplinary action are directed towards communicating basic, general rules and regulations and standards to all individuals. (These guidelines are effective as of this date: (11/93).

Even under ideal conditions, some individual may occasionally violate rules and regulations, exhibit unacceptable behavior, or fail to meet performance standards. In accordance with the department's concept of positive, corrective discipline, only minor warnings are assigned for minor offenses under the guidelines. For the average employee such minor action is sufficient to prevent a repetition. If minor offenses occur again and again, the penalty becomes more severe. A very serious offense may bring immediate suspension and/or discharge.

It is our belief that the guidelines for disciplinary action are fair, reasonable and attainable and will benefit employees of the department and our citizenry by insuring a better work climate, fair treatment of employees and an increased level of public service to the community.

Counseling, warning and reprimands are the direct responsibility of all officers in the fire department.

Counseling is a teaching process that gives employees a better understanding of what their job consists of, what is expected of them as fire fighters and what they should be doing to better themselves and the fire department in their day to day activities.

Warnings are corrective measures taken for first offenses of a minor nature, and should be sufficient to prevent a repetition.

Reprimands are given for infractions of a more serious nature.

Counseling, warnings and reprimands are to be documented, in writing and placed in the individual's files. Forms for this purpose have been designed and placed in each station.

All individuals in the Town of Menasha Fire Department are members of a team working together to provide the services to which our citizenry are entitled. Any employee who fails to follow the necessary rules and regulations governing job performance, attitude and conduct is not only failing to do his duty to the department and for the public, but is adversely affecting the image of all public service employees.

Any large organization must have rules and regulations and standards of performance to insure that efficient and effective services are provided in an orderly manner. Such rules, regulations and standards are not adopted to restrict employee rights, but rather to provide working guidelines, which will assure fair, equitable and consistent treatment to individuals. The following guidelines for disciplinary action are structured to provide for equality of treatment in discipline. However, in recognition of the fact that the circumstances of each infraction or occurrence may differ in many respects from the circumstances in somewhat similar situations, the department retains the right to treat each occurrence on an individual basis and without creating a precedent for other cases which may arise in the future. Examples given in any rule do not limit the generality of the rule. The guidelines for disciplinary action are not to be construed as a limitation upon the retained rights of the department but are merely a guide. The guide provides recommended penalties to apply for specific offenses. However, a more severe penalty may be issued than that which appears in the guide if it is felt necessary in the best interest of the department. It is recognized that violations of rules and regulations or standards of performance in departments and operations that affect safety, health and/or welfare of citizens may necessitate more serious disciplinary action than contained in these guidelines.

The guide is divided into five (5) levels that reflect the seriousness of the offenses. In each level and for infraction, consideration will be given to the severity of the offense, the actual or potential cost or damage involved, time interval between infractions, then length and quality of service records and any other pertinent matters. In imposing disciplinary action on a current infraction or offense, the department will not take into consideration any prior infraction of department or departmental rules that occurred more than two (2) years previously.

Where combinations of offenses have occurred, whether at the same or different levels of offense, the department may combine the penalties in a cumulative manner, as its judgment, is warranted.

In addition to the guidelines for disciplinary action and the offenses contained therein, the department retains the right to affect discipline based on other rules and regulations and codes of conduct. Specifically, the Town of Menasha Personnel Policy Manual and other pertinent rules and/or policies may also serve as the basis for disciplinary action.

Any supervisor shall have the authority to immediately relieve from duty, an employee in his/her unit, where said employee is alleged to have committed or engaged in a major infraction of conduct or performance where the continued attendance of said employee at that time shall be offensive to the public or fellow employees. Such infraction may include fighting, immoral conduct, unauthorized possession of firearms, use of sale of alcohol or drugs, or similar activities or conduct. In such instances, it shall be the responsibility of the supervisor to fully document the reasons for such action and to recommend appropriate formal action.

OFFENSES

7.02 LEVEL 1:

- a. Loitering, disregarding job duties by loafing or neglect of work.
- b. Creating or contributing to unsanitary conditions or poor housekeeping.
- c. Engaging in horseplay, scuffling, malicious mischief, distracting the attention of others, or similar types of disorderly conduct.
- d. Posting or removal of any matter on bulletin boards or department property at any time unless authorized.

7.03 LEVEL 2:

- a. Mistake(s) due to carelessness where the mistake(s) do not endanger life, property or equipment. May include reported unsafe driving (written complaint) response to the fire station for an alarm in your private vehicle.
- b. Discourtesy to persons with whom a department member comes in contact while in the performance of duties.
- c. Violating a safety rule where the violation does not endanger the life of others or property or equipment.
- d. Willful violation of written rules, regulations, procedures or policies.
- e. Officers or acting officers who knowingly fail to take official cognizance of violations.
- f. Conduct unbecoming a fire department employee.

7.04 LEVEL 3:

- a. Malingering or feigning illness or disability in order to evade the performance of duty.
- b. Operating, using or possessing department vehicular or motorized equipment to which the department member has not been assigned.
- c. Leaving assigned work area during working hours without permission.
- d. Productivity, workmanship or efficiency not up to required standards of performance.
- e. Violating a safety rule where the violation endangers the life of others, property or equipment.
- f. Failure to report an accident or personal injury in which the department member was involved while on the job, on the day the accident or personal injury occurred.
- g. Mistakes due to carelessness that affects the safety of department personnel or the public, equipment, tools or property. May include reported (written complaint) careless driving of an emergency vehicle.
- h. Threatening, intimidating, coercing or interfering with fellow employees or supervision at any time, including abusive language.
- i. Failure to report any and all driving violations. (See 1.09 (H))
- j. Failure to maintain a valid CPR Certification.

7.05 LEVEL 4:

- a. Chronic absenteeism; unauthorized and/or unexplained.
- b. (Guide: Less than 25% of alarms/drills for a period of 3 months)
- c. Failure to keep the department notified of proper address or telephone number.
- d. Leaving work post during regular work assignment before being relieved by supervisor or relieving employee where operations are not continuous and so not affect public safety or health.
- e. The unauthorized use of department equipment, apparatus, or property.
- f. Insubordination by refusal to perform work assigned or comply with written or verbal instructions of the supervisory force.
- g. Provoking or instigating a fight or fighting at any time with a fellow employee while on duty.
- h. Being under the influence of alcohol or drugs while on duty.
- i. Having on the employee's person, in a department work area, alcoholic beverage(s) or drugs during anytime while on duty.
- j. Failure to pass department job skill ability assessment such a medical/physical examination or job-related physical abilities assessment after subsequent training/conditioning was provided.
- k. Engaging in political activities while on duty or on the premises.
- l. The use of department uniform, equipment and/or employment status in political activities on or off duty.

7.06 LEVEL 5:

- a. Provoking or instigating a fight or fighting at any time with a subordinate or supervisor while on duty.
- b. Deliberately misusing, destroying or damaging any property or property of any employee or of the public.
- c. Knowingly falsifying personal or department records, including employment applications, accident or medical records or reports, purchase orders, time sheets or any other report, record or application.
- d. Unauthorized possession of firearms, knives, explosives or weapons on department property.
- e. Theft or removal from department locations without proper authorization or any department property or the property of any department employees.
- f. The use and/or sale of illegal drugs, alcoholic beverages and/or narcotics while on duty.
- g. Failure to return from an authorized leave of absence.
- h. Conviction of a felony or a misdemeanor of the first degree as defined in Wisconsin Statutes, or any violation of a Town ordinance involving moral turpitude, while either on or off the job.
- i. Knowingly harboring a communicable disease, which may endanger other department employees or the public without taking appropriate preventive measures and/or treatment.
- j. Concerted curtailment or restriction of production or interference with work in or about the department's work stations, including but not limited to, instigating, leading or participating in any walkout, strike, sit-down, stand-in, slow-down or refusal to return to work.
- k. Leaving work post during assigned work before being relieved by a supervisor or relieving department employee where operations are continuous and/or affect public safety or health.
- l. Reporting for work while obviously under the influence of alcohol or drugs where operations affect public safety or health.
- m. Unlawfully obtaining money or other valuable consideration by use of position.
- n. Destroying evidence or giving false testimony.
- o. Failure to submit to required physical examination.
- p. Failure to meet minimum response, training and other activity requirements.

7.07 Suspension:

May include, but not be limited to, various privileges such as driving department vehicles, attending alarms, drills and all Dept. events. No employee compensation will be made if the suspension involves suspension of active assignment. For significant offenses (appropriate suspension) the

entire situation will be reviewed to determine appropriate discipline related to length and severity of administrative action. Example- permanent suspension of driving privileges may be revoked for continual or significant problems.

7.08 Probation:

Any employee violating rules and regulations can be placed on probation for a time period to be determined at the time the violation occurs. The probationary time period may be up to 1 year in length.

OFFENSES, OCCURRENCES AND GUIDELINES

Level 1

- 1st offense: Cautioning (reprimand)
- 2nd offense: Up to and including 1 month suspension
- 3rd offense: Up to and including 6 month suspension
- 4th offense: Up to and including appropriate suspension/demotion
- 5th offense: Up to and including discharge

Level 2

- 1st offense: Cautioning (reprimand)
- 2nd offense: Up to and including 6 month suspension
- 3rd offense: Up to and including appropriate suspension/demotion
- 4th offense: Up to and including discharge

Level 3

- 1st offense: Up to and including 1 month suspension
- 2nd offense: Up to and including appropriate suspension/demotion
- 3rd offense: Up to and including discharge

Level 4

- 1st offense: Up to and including appropriate suspension/demotion
- 2nd offense: Up to and including discharge

Level 5

- 1st offense: Up to and including discharge

7.09 Grievance Procedure:

*Town of Menasha Fire Department
Public Education: Our first line of defense*

Purpose: The purpose of this section is to establish a process for the fair, expeditious and orderly adjustment of grievances to be used for the settlement of disputes between the employer and the employee involving interpretation of this Fire Department S.O.G., any other Fire Department S.O.G. and any Town of Menasha policy.

Any fire department employee (full-time or paid-on-call) shall follow the grievance procedure as outlined in Chapter 11 of the Town Personnel Policy Manual. Please note the required time periods for filing a grievance. This time period is in place to expedite a reasonable reply within appropriate time periods.

