

Hurricane Fire & Rescue

Hurricane, WV

Administrative Guidelines

Subject
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Purpose: Members of Hurricane Fire & Rescue are expected to perform their assigned duties and conduct themselves in a manner that fosters the achievement of the department's purpose.

Scope: All personnel

Responsibility: The conduct of each member is expected to reflect a commitment to put forth his/her best efforts to manage his/her work time for maximum effectiveness and efficiency, and to perform to the best of his/her ability the duties and responsibilities of the position.

Statement of Guideline

In order to ensure that members conduct and performance remain consistent with Hurricane Fire & Rescue standards and expectations, this Discipline Guideline has been established.

Procedures for Corrective Action

A. General

1. Corrective actions are actions taken against members for performance deficiencies or conduct that is detrimental to the efficient and/or effective operation of Hurricane Fire & Rescue.
2. Corrective actions will be taken as soon as possible.
3. These procedures separate member actions that may involve corrective measures into two categories and provide guidelines to follow in resolving each type of problem.

(a) The first category is performance problems. This section addresses problems that are a result of deficiencies in a member's quality or quantity of work output.

(b) The second category is conduct problems. This section addresses problems that are a result of member behavior that is detrimental to the efficient and/or effective operation of Hurricane Fire & Rescue.

1. All written notifications required by this guideline will be made on the Corrective Action Notice.

Probationary Members

1. All members must successfully complete one (1) initial probationary period, including any extension thereto, to achieve regular status.
2. Any member may be disciplined at any time in accordance with the Guidelines of Hurricane Fire & Rescue. Temporary and initial probationary members may be suspended or dismissed for any conduct or performance deficiency without regard to the standards for corrective action provided to regular members. Temporary and initial probationary members who are suspended or dismissed will be advised in writing of the action and the effective date.

Criminal Charges

A member who is arrested, charged, or convicted of any crime will report the arrest, charge or conviction to the Chief within 24 hours. The Chief will notify the Board members through the chain of command. Hurricane Fire & Rescue may suspend a member who has been arrested or charged with a crime pending the outcome of the criminal proceedings. If adjudication on any criminal charge is withheld, the suspended member will not be entitled to reinstatement, and the Fire Chief will determine whether reinstatement is appropriate. Hurricane Fire & Rescue may also take appropriate disciplinary action against an member who has been arrested or charged with a crime, without regard to the outcome of the criminal proceedings, if it is determined that the member has violated the standards of conduct for department members.

Drivers License Suspension or Revocation

1. Any member required to have a valid West Virginia driver's license as a condition of membership that has his or her license suspended or revoked for any reason will immediately notify the Chief. Failure to do so may subject a member to dismissal.

2. Immediately upon notification, with the approval of the Fire Chief, will temporarily reassign, or demote the member to an available classification, which does not require a license or, if such work is not available, will suspend the member for up to ninety (90) calendar days. If the member's license is reinstated or reissued at any time during the ninety (90) calendar day period, then he or she will return to his or her normally assigned duties. This article is solely at the discretion of the Board of Directors.
3. If a member has not had his or her license reinstated or reissued within ninety (90) calendar days from the date of license suspension/revocation, then his or her membership status will be evaluated, including, but not limited to actions such as demotion, continued suspension, and dismissal. This article is solely at the discretion of the Board of Directors.

Review and Appeal

1. The Board of Directors will review all written reports of corrective actions before being placed in the member's permanent personnel file.
2. The Board of Directors for final determination must review all corrective actions that involve demotion, suspension or dismissal.

Performance Problem Guidelines

Unsatisfactory performance adversely affects a member's quality or quantity of work output. In an effort to correct unsatisfactory performance, an Officer will:

1. Meet with the member to identify the problem and discuss and develop a plan for correction.
 2. Document the specific performance problem, expected performance standards and planned solution. The member will acknowledge receipt by signing and dating the notice. If the member refuses to sign, the Officer should so note on the notice. The original will be placed in the member's permanent personnel file and a copy will be provided to the member. If the member deems it appropriate, he/she may prepare an explanatory memorandum within 5 days to be placed in the personnel file.
 3. Solutions which may be considered by the Officer are as follows:
 - (a) Additional training, education.
 - (b) Placing the member on temporary probation.
 - (c) Corrective actions.
- A. Follow-up meetings should be scheduled to evaluate the member's performance if the plan is effective. These meetings should be documented with a copy to the member and the member's personnel file.
- B. If, after receiving a reasonable opportunity to improve performance, it is determined that the member still fails to provide satisfactory performance, the authorized Officer may take action based on the HVFD Disciplinary Guidelines.

Alcohol or Drug Dependency

1. When illness, including alcohol or drug dependency, or a personal or family crisis interferes with satisfactory performance, the Officer should encourage the member to seek qualified medical assistance.
2. Mandatory referrals to such programs for alcohol and drug problems, charges or convictions will be administered consistent with the terms of Hurricane Fire & Rescue's Drug Free Workplace Policy.
3. Notwithstanding a member's acceptance or refusal of professional assistance, all members will continue to be held responsible for satisfactory performance and conduct and will be subject to additional corrective action if performance and conduct are unsatisfactory.
4. Improved performance or additional corrective actions should be documented with a copy to the member and the member's personnel file.

Conduct Problem Guidelines

General

When a member commits acts or omissions that result in violation of the established Acts of Misconduct defined below in this policy, or other behavior which is detrimental to the efficient and/or effective operation of Hurricane Fire & Rescue, an Officer should apply the appropriate corrective action.

Corrective Actions

The types of corrective actions and the procedures that should be followed under normal circumstances of Acts of Misconduct or other behavior problems are as follows. The Levels correlate with the discipline matrix.

1. Level I (oral counseling with written documentation) - This is the least severe corrective action. Its purpose is to help a member who behaves improperly to recognize the deficiency and take corrective measures. The Officer should meet with the member to discuss the nature of the improper behavior and the action necessary to correct the problem. The member should be advised that a Level I is being issued and the date noted and that future similar behavior may result in more serious corrective action. The Officer will document the oral reprimand and provide copies to the member and his/her personnel file.
2. Level II (Written documentation) – Level II is considered to be more severe than Level I. Its purpose is also to help a member who behaves improperly

to recognize the deficiency and take corrective measures. Level II should be given to the member in a meeting in writing. The member will acknowledge receipt by signing and dating the form. The signature will attest only to receipt of the document and not necessarily the agreement of the disciplinary measure. The original will be placed in the member's permanent personnel file and a copy will be provided to the member. If the member deems it appropriate, he/she may prepare an explanatory memorandum to be placed with the reprimand in the personnel file.

3. Level III & IV (Level III = 14 days suspension; Level IV = 30 days suspension – A suspension is the action taken to temporarily relieve a member of duties. Like Level I's, this form should be completely filled out by an Officer or higher authority and should describe the specific incident prompting the corrective action. Officers will issue suspensions by giving proper notice of suspension to the member. The member will acknowledge receipt by signing and dating the form. The Board of Directors has the authority to override any suspension as deemed appropriate. If the member deems it appropriate, he/she may prepare an explanatory memorandum to be placed with the reprimand in the personnel file.
4. Level V – Level V is dismissal. Dismissal is the action taken against any member to terminate his/her membership with Hurricane Fire & Rescue. As it is the final and most severe form of corrective action, all actions to dismiss a member must be investigated prior to final action. When dismissal is contemplated the Fire Chief should follow the following:
 - (a) Meet with any witnesses to the incident and question them as to their observations.
 - (b) Meet with the member to allow him/her to explain the circumstances surrounding the incident.

If after investigating the incident the Chief determines that it is appropriate to proceed with the dismissal, the member will receive written notice of the proposed action. The notice will be signed by the Board of Directors and will include the following:

- (a) The specific charges or reasons for the action.
- (b) The date the dismissal will become effective.
- (c) A statement advising the member of his/her right to respond to the charges orally or in writing prior to the effective date of dismissal.

The member will acknowledge receipt by signing and dating the notice. The original should be provided to the member and Hurricane Fire & Rescue should retain a

copy. If the member fails to provide a written statement or request an oral conference or hearing with the Board of Directors. The Personnel Action Form will be placed in the member's permanent personnel file. The Fire Chief will notify the member in writing by certified mail, return receipt requested, of the Board of Directors decision.

Member Records

With the exception of confidential information generated pursuant to the testing program established by the Hurricane Fire & Rescue's Drug Free Workplace Policy, once a corrective action notice is issued and placed in a member's personnel file, it will remain for a period of one year. Should any additional conduct problems occur during this period, all active violations will remain in effect for three years from the date of the most recent corrective action. Inactive violations may be considered for the purpose of determining the number of occurrences of a single act of misconduct and may be considered for the purpose of assessing the severity of corrective action as provided for under Standards of Corrective Action.

Performance Problems and Acts of Misconduct

The following forms of misconduct and failure to perform are unacceptable and subject a member to corrective action based on the particular circumstance surrounding the incident. The list is provided merely as examples and is not intended to be all-inclusive. The identification of these examples does not preclude Hurricane Fire & Rescue's right to discipline or dismiss members for other causes, including acts of misconduct that breach the requirements inherent in the members' relationship.

Unbecoming Conduct

Any action or conduct by a member which impedes Hurricane Fire & Rescue's efforts, brings discredit on the department, impairs the operation or efficiency of the department or any member, or impairs the member's ability to perform his/her job.

Failure to Perform

A member's failure to perform, either wholly or partially, a lawful duty or to neglect an assigned duty, instruction, or responsibility during a department function will result in disciplinary action.

Insubordination

The refusal to comply with a reasonable order or directive, either written or oral, which relates to the member's job or conduct that is disrespectful. This includes both an expressed refusal to obey a proper order and failure to carry out a

reasonable instruction or assignment.

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- A. Unauthorized Use of Hurricane Fire & Rescue Property, Services, Equipment by Personnel
- B. Improper or Careless Use of Hurricane Fire & Rescue Property, including Vehicles
- C. Possession of Unauthorized or Careless Use or Display of Knives, Firearms, Explosives, or other Dangerous Weapons
- D. Lying or Failure to Give Truthful or Requested Information
- E. Possession/Consumption of Alcohol or Drugs or Drug Abuse
- F. Sexual Harassment
- G. Reprisal
- H. Filing of a False Complaint or Grievance
- I. Theft
- J. Sabotage
- K. Threatening or Abusive Language
- L. Fighting/Assault
- M. Violation or Disregard of Safety Practices
- N. Discrimination

O. Negligence

P. Falsification of an Hurricane Fire & Rescue Record or Other Official Record

Q. Use of Hurricane Fire & Rescue Credit

Standards of Corrective Action

This section has been established as a guide for use by Officers to help ensure that all members receive similar treatment in like circumstances. Realizing that some offenses will be more or less serious in certain cases, the Officer taking the corrective action will utilize good judgment in light of all available facts. The corrective action selected must be appropriate in light of the particular circumstances surrounding the incident and the member's past performance and conduct record. In determining the severity of corrective action to be applied, the authorized Officer should take into account the following variables:

1. The severity of the specific act or misconduct.
2. The circumstances under which the violation occurred.
3. The consequences of the member's actions in regard to its effect on Hurricane Fire & Rescue operation's reputation and on other members.
4. The overall record of the member; and the member's prior history of other similar or unrelated corrective actions, including active and inactive offenses.
5. The length of time since earlier corrective action, the similarity or dissimilarity of the offense, and the severity of earlier offenses.