

POLICY: **DISCIPLINARY PROCESS**
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POLICY

It is the policy of the District to use reasonable, objective, and consistent progressive discipline when dealing with employee misconduct or unsatisfactory job performance.

It is also the policy of the District to reserve the right to implement whatever level of discipline it believes is appropriate, up to and including termination, even if it is a first offense.

RESPONSIBILITIES

It is the responsibility of the **District Manager, Fire Chief, and fire officers** to administer discipline in a reasonable, objective, and consistent manner.

It is the responsibility of the **District Manager, Fire Chief, and fire officers** to document all oral warnings, provide the Personnel Officer with all first and second warnings, and to present sufficient supporting documentation at disciplinary action conferences.

It is the responsibility of the **Personnel Officer** to add and remove warnings from employee personnel files according to this policy and practices.

It is the responsibility of the **Personnel Officer** to assist employees and the District Manager, Fire Chief, and fire officers throughout the disciplinary process.

It is the responsibility of the **Personnel Officer** to ensure there is sufficient supporting documentation for all disciplinary actions.

It is the responsibility of an **employee** with impending disciplinary action to request a due process hearing from the Personnel Officer before the effective date of the impending disciplinary action.

It is the responsibility of the **Personnel Officer** to notify the fire officer, the Fire Chief, District Manager, and the Board of a due process hearing.

It is the responsibility of the **Board** to act as the due process hearing board, to conduct a fair and impartial due process hearing, and to render a final decision.

PRACTICES

1. Employees who have not satisfactorily completed the initial performance trial period shall not be subject to progressive discipline and shall not be entitled to a due process hearing.

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2. The District Manager, a fire officer, or the Fire Chief may institute appropriate and reasonable discipline, without adhering to the progressive discipline model, to employees who have not satisfactorily completed the initial performance trial period.
3. The Personnel Officer must be consulted prior to termination of any employee who has not satisfactorily completed the initial performance trial period.
4. Progressive discipline constitutes steps of discipline which become increasingly severe each time an offense is repeated and shall allow appropriate discipline based on the severity of the offense (this practice is most effective when dealing with employee misconduct).
5. If the nature of the employee misconduct is severe, e.g., theft, gross insubordination, drug use, etc., oral, first and second warnings may be waived, and disciplinary suspension or termination may be appropriate.
6. If an employee is failing to meet the competent performance standards established for the position, the employee must go through performance improvement counseling prior to the disciplinary process.
7. Employees can respond to any unjust oral, first, or second warning prior to disciplinary action through grievances.

ORAL WARNING PRACTICES

1. If an employee has a minor infraction of District policies or operating procedures or guidelines, or has an emerging problem of a repetitive nature, an oral warning shall be issued by the District Manager, a fire officer, or the Fire Chief.
2. Documentation of oral warnings shall not be placed in the employee personnel files unless subsequent, written warnings about the same problem are issued.

FIRST AND SECOND WARNING PRACTICES

1. Documentation of an oral warning shall be attached to the first warning when the first warning is placed in the employee's personnel file.

2. If an employee has failed to correct a problem discussed in an oral warning, a first warning shall be issued by the District Manager, a fire officer, or the Fire Chief.
3. First warnings will be kept in employee personnel files for a minimum of one (1) year from the date of employee acknowledgement. If there is not a subsequent written warning during the one-year period for the same problem, the first warning shall be removed from the employee's personnel file. If there is a subsequent written warning for the same problem, both the first and the second warning may become a permanent part of the employee's personnel file.
4. If an employee has failed to correct a problem documented with a first warning, a second warning shall be issued by the District Manager, a fire officer, or the Fire Chief.
5. Second warnings will be kept in employee personnel files for a minimum of two (2) years from the date of employee acknowledgement. If there is not a subsequent written warning during the two-year period for the same problem, the first and second warnings shall be removed from the employee's personnel file. If there is a subsequent written warning during the two-year period for the same problem, both the first and the second warnings shall become a permanent part of the employee's personnel file.

DISCIPLINARY ACTION PRACTICES

1. Disciplinary actions shall be implemented in circumstances where a problem warrants immediate action or when performance improvement counseling or oral, first and second warnings have failed.
2. To administer disciplinary action, the District Manager, a fire officer, or the Fire Chief must request a disciplinary action conference with the Personnel Officer.
3. During a disciplinary action conference, the District Manager, fire officer, or the Fire Chief shall present sufficient documentation to support the impending disciplinary actions to the Personnel Officer.
4. If the Personnel Officer agrees that documentation presented at a disciplinary action conference is sufficient to support the impending disciplinary action, the District Manager, fire officer, or the Fire Chief will notify the employee of the impending disciplinary action.

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5. The impending disciplinary action will be effective seven (7) calendar days after the date in which the notice was sent to the employee.
6. Upon notification of an impending disciplinary action, an employee has the following options:
 - A. Accept the disciplinary action immediately and waive the right to a due process hearing;
 - B. Accept the disciplinary action according to the stated effective date of the impending disciplinary action and waive the right to a due process hearing;
 - C. Request a due process hearing.
7. An employee will continue to receive all benefits until the disciplinary action is complete, either by acceptance or final determination of the due process hearing.

DUE PROCESS HEARING PRACTICES

1. An employee with impending disciplinary actions has the right to representation at their due process hearing in accordance with Employee Representation Policy #630.
2. During a due process hearing, witnesses may be called to provide information and may be questioned in a reasonable manner about the information they are providing.
3. The employee will be notified by the Personnel Officer of the due process hearing decision within fifteen (15) days of the decision.

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STATUTORY REFERENCE

RSMo §105.467

REVISION HISTORY

Revision Date	Author	Revision Details
May 25, 2021	Monte Olsen	Initial version