

Discipline

203.1 PURPOSE AND SCOPE

This document provides procedures for Euless Fire Department personnel initiating a disciplinary action.

Corresponding Policies:

This procedure corresponds with all department policies or procedures where a violation may have occurred.

203.2 DEFINITIONS

Command discipline - A penalty imposed by department officers to sanction those members under their direct command with the purpose of correcting minor deficiencies and maintaining discipline within the command of the officer imposing the discipline. Command discipline does not include any formal charges.

Formal discipline - A penalty that includes formal disciplinary action for violation of department policy or procedure.

203.3 PROCEDURES BEFORE DISCIPLINARY ACTION IS IMPLEMENTED

203.3.1 COMMAND DISCIPLINE

Supervisors may impose command discipline for infractions including but not limited to:

- Tardiness.
- Violation of uniform regulations.
- Minor infractions involving conduct and behavior while on-duty.
- Failure to display required knowledge, skills, abilities.

203.3.2 FORMAL DISCIPLINE

Formal discipline may be imposed following the completion of an administrative investigation. There may be statutory requirements regarding a hearing following an administrative investigation that may lead to disciplinary action.

Infractions that may result in formal discipline include but are not limited to:

- Harassment of any kind.
- Theft.
- Insubordination.
- Personnel complaints.
- Criminal acts.
- Violation of the oath of office.

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Prior to implementation of any formal disciplinary action, officers responsible for charging members, reviewing or investigating charges, or imposing any sanction should consider the following:

- (a) Due process: Disciplinary actions should follow the standards and requirements imposed by state law and regulations, City of Eules Civil Service Provisions and Human Resources department rules. Failure to provide the member due process may result in a reversal on appeal or other legal action.
- (b) General policies: Sound personnel practices may prevent problems associated with member discipline. A supervisor seeking to discipline a member must clearly show what rule, policy, or standard was not met or what duty was breached.
- (c) Records showing incompetency or misconduct.
- (d) Electronic communications: Emails, texts, and other electronic communications between members may provide information relevant to a disciplinary investigation.
- (e) Conferences and counseling: A counseling session or conference is not considered a form of discipline and should be non-adversarial. It is an opportunity for the supervisor and the member to discuss the incident and provides the member with an opportunity to explain it.
- (f) Assignment to other locations/duties: Depending on the nature of the violation, the member or members may need to be immediately reassigned or placed on administrative leave pending the outcome of the investigation.
- (g) Investigation: All complaints and allegations of misconduct should be thoroughly investigated according to department and/or Human Resources department policies, any applicable state or local laws, and City of Eules Civil Service Provisions..
- (h) Criminal acts or omissions: Complaints and allegations of misconduct that may involve criminal acts or omissions should be referred to the appropriate law enforcement agency.
- (i) Medical examination: If the discipline arises from the possibility of some physical limitation in accordance with the Temporary Modified Duty Assignments and Return to Work policies, ensure a proper medical evaluation has been completed.

203.3.3 DOCUMENTATION

All command and formal disciplinary actions should be documented in the member's personnel file. A disciplinary record should include:

- Date, time, and place of the incident.
- Facts of the incident.
- Specific policies or procedures that were violated.
- Recommendations for remedial action, if any.
- Disciplinary action taken, if any.
- Signatures of both the supervisor and the member disciplined.

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203.3.4 DISCIPLINARY REPORTS

A disciplinary report is documentation of an incident where a member has violated or is alleged to have violated a department policy or procedure. Reports relating to informal discipline such as verbal reprimand, remedial training, or a written reprimand, as applicable, serve as records of the incident and may be the first step in progressive discipline.

Members responsible for completing such reports should adhere to the following guidelines:

- Be objective: Members should be disciplined consistently for the same violations of policy or procedure. Failure to apply discipline objectively can result in loss of trust between members and officers.
- Be specific: Include dates and times of the infraction as well as personnel involved, nature of the violation, and reference to the specific policy/procedure sections involved.
- Write in a clear and factual manner: Expanding on the facts, adding opinions, or adding personal impressions may interfere with the narrative.
- Document the actions taken, including:
 - Determination of no violation after further investigation.
 - Verbal or written reprimand.
 - Suspension.
 - Demotion.
 - Probation.
 - Termination.

For incidents that may require formal discipline, members should refer to the Personnel Complaints Policy and any other applicable policies or procedures.

203.3.5 PROGRESSIVE DISCIPLINE

Forms of progressive discipline include but are not limited to:

- (a) Verbal warning.
- (b) Written warning.
- (c) Loss of accrued paid time off.
- (d) Suspension, with or without pay.
- (e) Discharge.

203.4 CORRESPONDING PROCEDURES

Personnel involved in discipline may need to consult the following procedures:

Administrative Investigations and Interviews

Personnel Complaints

203.5 WORKSHEETS

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203.5.1 DISCIPLINE WORKSHEET

Infraction (include a description of the incident)	Date/Time/Location	Corresponding Policy and/or Procedure (Title, #, and section)
If the response to any of the following questions is "YES", then Formal Discipline procedures should be initiated. If all questions are answered "NO" then Command Discipline may be imposed.	YES	NO
Does the infraction require immediate reassignment or removal from duty pending the outcome of an investigation or hearing? (Refer to applicable Personnel Complaints and Administrative Investigations and Interviews procedures.)		
Does the infraction require an investigation or hearing? (Refer to applicable Personnel Complaints and Administrative Investigations and Interviews procedures.)		
Does the infraction involve:		
Harassment of any kind		
Theft		
Insubordination		
Bullying		
Discrimination		
Criminal Acts		
Retaliatory Behavior		
Violation of the Oath of Office		
Violation of the department social media policy		
Any infraction resulting in injury or death of a member or other individual		

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Any other infraction which, based upon the frequency of the infraction, failure to follow policy or procedure after re-training, or consistent with prior discipline imposed on other members under similar circumstances, the officer initiating the discipline determines formal discipline should be imposed.		
Action items that should be completed prior to starting the formal discipline process	Date of Review Meeting MM/DD/YYYY	Officers Present and Outcome
The initiation officer reviews the policy/procedure associated with the infraction to ensure that all necessary documentation, review, and reporting requirements are satisfied.		
Officer seeking to initiate formal discipline has reviewed the matter with their superior officer.		

203.5.2 COMMAND DISCIPLINE WORKSHEET

Officer Self-Check
Confirm that no factors leading to formal discipline exist.
Any requirements of applicable policy/procedures are satisfied.
Desired discipline is consistent with prior discipline imposed against other members for similar infractions under similar circumstances. If desired discipline is inconsistent, provide an articulable, work-related reason, and discuss with their commanding officer and Human Resources.
Infraction and desired resolution discussed with commanding officer.
Matter reviewed with Human Resources, if: <ul style="list-style-type: none"> Required by policy/procedure. Desired by officer. Advised by commanding officer.
Infraction and discipline discussed with the member.
Disciplinary report completed and filed according to department policy.