

Norfolk Volunteer Fire Department
Standard Operating Procedures/Guidelines
Discipline and Grievance Procedures
Amended 11-7-2016

PURPOSE

The purpose is to describe the progressive discipline and enforcement guidelines and procedures for the NVFD.

SCOPE

This guideline shall apply to all members of the NVFD.

ENFORCEMENT

All NVFD Officers shall have the authority and duty to enforce the rules, regulations, policies and procedures, whether written, oral or special, as set forth by the NVFD By-Laws.

Due to the nature of some offences, NVFD Officers may, in the interest of safety, immediately suspend and/or remove from duty any member of the NVFD. Such action will be reported to the Chief as soon as possible so that the investigative procedures can be activated.

The following are offences that may warrant immediate suspension or removal. This list is not inclusive and may be changed without notice.

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| 1. Theft or conspiracy to commit theft | 7. Offensive or derogatory behavior |
| 2. Using or being under the influence of intoxicants while on duty | 8. Failure to follow established safety procedures |
| 3. Use of illegal drugs, on or off duty | 9. Violation of HIPPA laws and/or statutes |
| 4. Misuse of prescription drugs, on or off duty | 10. Willful disregard of orders from NVFD Officers |
| 5. Operating NVFD resources while under the influence of drugs and/or alcohol. | 11. Insubordination |
| 6. Neglect of duty, which impairs the ability to perform normal operations | 12. Interfering with or giving false testimony during Departmental investigations |

INVESTIGATIONS

The Fire Chief and/or President shall be notified of any disciplinary action taken, and in possession of all related materials concerning disciplinary records as soon as possible.

All reports of charges and/or wrongdoing shall be investigated.

Under the direction of the Fire Chief the members of the Council, not directly involved with the incident, shall conduct any investigation. Such investigation will start within 5 business days. The Department shall conclude all investigations with one or more of the following:

1. Proper Conduct

The member has been found to have acted within the scope of the NVFD By-Laws, policies, and guidelines and no further investigation or action is warranted.

2. Improper Conduct

The member has been found to be in violation of NVFD By-Laws, SOP's, or SOG's and disciplinary action is warranted.

3. Policy/Procedure Failure

A deficiency with the NVFD By-Laws, SOP's, or SOG's has been found and shall be

corrected. Disciplinary actions against the member may or may not be warranted, depending on the offense.

4. Insufficient Evidence

A wrongdoing may have occurred but there is insufficient evidence to continue an investigation.

5. Unfounded

No evidence is available to substantiate a claim of wrongdoing and no further investigation is needed.

DISCIPLINARY ACTIONS

It shall be the policy of the NVFD to make every effort to use reasonable counseling or additional training to assist in correcting deficiencies.

Any member found in violation of the NVFD By-Laws, SOP's, or SOG's may be subject to one or more of the following disciplinary actions, with consideration for the nature of the offense and the member's previous conduct on record:

1. Non-Punitive Letter of Caution

A letter explaining the actions of the member were wrong but no disciplinary action will be taken. Said member will be monitored for further incidents.

2. Written Reprimand

A letter that makes a permanent record of a specific violation or behavior will be written. Corrective actions such as restriction of privileges or reimbursement of damages may be included.

3. Disciplinary Probation

Action that requires the member to abide by behavioral conditions as set forth by the NVFD for a specific amount of time. Any deviation from the conditions set forth may require implementation of more severe actions.

4. Emergence Removal from Duty (Investigative Suspension)

Removal from duty, usually for the loss, expiration of and/or failure to provide required documentation for services, such as job-related certifications, driver's license problems, etc. Suspension usually last until corrective measures have been taken.

5. Disciplinary Suspension Removal from duty for a pre-disclosed amount of time, usually for severe or repeated violations of NVFD By-Laws, SOP's, or SOG's.

6. Termination

Member is discharged from the NVFD.

DOCUMENTATION

All documentation, included required reports, witness statement, etc., shall be considered confidential at all times and shall not be released, except for purposes such as separate investigations by law enforcement agencies or for review by the Grievance Board.

Only documentation relating to the charges and actions taken will be placed in the member's personal folder. All other materials related to the incident will be placed in a location as specified by the NVFD President.

GRIEVANCE PROCEDURES

Any member of the NVFD wishing to file a grievance for disciplinary action imposed by the NVFD shall notify the Fire Chief in writing within 72 hours of receiving their disciplinary notice.

The Fire Chief shall inform the Board of Trustees who shall form a Grievance Committee from within the membership of the NVFD. The Board of Trustees shall also determine which members shall serve on the Grievance Committee. The Grievance Committee will inform the member in writing, within 14 days ahead of the scheduled appeal meeting. The member must be present to answer questions concerning the incident.

Any ruling afforded by the Grievance Committee shall be considered final.

RETALIATION

Any member who is found to have caused harm in the form of retaliation, reprisals and/or retribution to another member for submitting reports or evidence of wrong doing shall be immediately removed from duty for the purpose of dismissal from the NVFD.

The NVFD fully intends to cooperate in any manner and to forward any and all substantiated evidence to the appropriate County, State, and Federal authorities having jurisdiction over the various "Whistleblowers" laws and statutes on file.