

GENERAL ORDER 26.2.1

Disciplinary Procedures

GENERAL ORDER CROSS-REFERENCE: 52.1.1

SUMMARY

Establishes a procedure for the administration of Department discipline.

DISCUSSION

The effective administration of discipline is critical to providing the means for acknowledging exemplary performance, correcting performance deficiencies, and controlling misconduct.

POLICY

I

The Department views discipline as both positive and negative. Positive discipline includes all forms of recognition for exemplary performance, counseling and training. Negative discipline is an oral reprimand, written reprimand, suspension without pay, demotion or termination.

Supervisors and command personnel shall provide appropriate recognition for exemplary accomplishments of Department members assigned to their work units. Acts within the guidelines of the Department's award program shall be communicated in writing to the awards committee for review and consideration.

Training shall be used as a means for improving performance deficiencies and may be used in conjunction with other forms of discipline.

Counseling as a component of the Department's disciplinary system may be employed by itself or in conjunction with one or more of the other components of the disciplinary system.

The use of counseling as a disciplinary function must comply with the following criteria:

1. There must exist a reasonable belief that the employee has an existing problem or is experiencing difficulty understanding, adjusting to or internalizing matters which are:

- A. Job related, or
 - B. Personnel policies, or
 - C. Interpersonal relationships with coworkers, or
 - D. Personal matters which are affecting the employees work performance.
2. Evidence must exist indicating that the employee's problem is having a deteriorating effect on performance.
 3. Counseling is designed to create a positive impact on work performance.

The employee or a supervisor may initiate the counseling process. Problem solving at this phase may find the need to refer the employee to other assistance including command staff, Employee Assistance Program staff or other professional assistance. Any referral to counseling outside the Department shall be a recommendation and not mandatory without an order by the Chief of Police.

Negative discipline shall be corrective, progressive, lawful and shall be applied in a fair and consistent manner.

II

The Chief of Police, as the appointing authority for the Police Department, has the ultimate authority to discipline Department members. This authority has been delegated to Department command officers and supervisors. To ensure consistent and sound decision-making, all disciplinary actions more severe than a written reprimand shall be approved by the Chief of Police prior to being issued.

An employee shall not be disciplined or involuntarily terminated except for just cause. Temporary and probationary employees serve at the discretion of the City and may be terminated without cause. Any member of the Springfield Police Department violating the laws or statutes of the United States, the State of Oregon, County of Lane or City Ordinances, or who violates any provisions of the rules and regulations or procedures of the Department, or who is incompetent to perform his duties, is subject to appropriate disciplinary action.

The administration of discipline requires involved supervisors and command officers to consider the totality of the circumstances surrounding the allegation of misconduct. Progressive discipline shall be administered in the following manner:

1. Oral Reprimand

Any supervisor or command officer may give an oral reprimand. The supervisor shall privately review the facts of the case with the employee involved. The employee will be told what work rule (standard of conduct) was violated and told what action will be taken if another violation occurs. The supervisor shall

document the oral reprimand including the date, time, employee's name and offense on memo form and forward the memo via chain of command to the Chief of Police. The memo shall be placed in the employee's Department working file but shall not be forwarded to the employee's personnel file in Human Resources. The memo shall be maintained in accordance with the City's document retention schedule.

2. Written Reprimand

Any supervisor or command officer may give an written reprimand. Prior to issuance of a written reprimand, the issuing supervisor shall review the circumstances and written reprimand with his/her division commander. The supervisor shall privately review the facts of the case with the employee involved. The employee will be told what work rule (standard of conduct) was violated and told what action will be taken if another violation occurs. The supervisor shall document the written reprimand including the date, time, employee's name and offense on memo form and forward the memo via chain of command to the Chief of Police. The memo shall be placed in the employee's Department working file but shall not be forwarded to the employee's personnel file in Human Resources. The memo shall be maintained in accordance with the City's document retention schedule.

3. Suspension

Pending review by the Chief of Police, any supervisor may suspend an employee with pay when the supervisor deems it is in the best interest of the Department. Reasons for such suspensions may be a concern for the employee's physical or psychological fitness for duty or action pending disposition of an internal investigation.

A supervisor or command officer may recommend that the Chief of Police suspend an employee without pay for cause. As part of the Department's review, the employee against whom the allegations have been made will be given an informal opportunity to refute the charges orally or in writing before the Chief of Police. If the employee wishes, he may bring a representative to this meeting.

If the Chief determines there is cause for suspension without pay, the employee shall be notified in writing regarding the effective date of the suspension and the reasons for and duration of the suspension. The Chief has the sole authority to authorize loss of accrued leave in lieu of the employee actually serving the suspension. A personnel action form will be processed so that the proper salary or leave reduction can be made. No service credit may be acquired by an employee during a period of suspension.

4. Demotion

A supervisor or command officer may recommend that the Chief of Police demote an employee after a review as in 3. above. A written statement of the reasons for such action shall be furnished to the employee, and a copy along with a PAF shall be filed with Human Resources at least 3 working days prior to the effective date of the action. No disciplinary demotions shall occur unless the employee is qualified for employment in the lower classification and the action will not cause a permanent employee in a lower classification to be laid off. A personnel action form must be processed to implement the demotion.

5. Termination

A supervisor or command officer may recommend the Chief of Police terminate an employee for repeated minor violations if they have been preceded by other progressive and corrective methods of discipline, or if the misconduct is so severe it warrants immediate termination without prior warnings. Human Resources must be consulted prior to termination proceedings. The employee may be suspended prior to termination in accordance with these rules. Prior to termination, the employee shall be afforded a pre-termination hearing and the City shall follow the following steps:

- A. The Chief of Police shall cause an investigation to occur and a written report prepared of the charges against the employee in a timely manner. The report shall include a notice of the contemplated termination, including the effective date of said termination, and provide a date, time, and location for the hearing.
- B. A copy of said report shall be hand delivered to the employee or sent by certified mail.
- C. The employee shall be afforded 7 days from receipt of the report in A to respond to the charges at an informal hearing with the Chief of Police. The employee may, at his option, respond in writing in conjunction with the hearing before the Chief or in lieu thereof. A hearing will be conducted unless the employee specifically requests in writing that the hearing be waived.
- D. At the conclusion of the hearing or after the Chief of Police has had an opportunity to review the employee's written response, the Chief shall, within 5 working days of said hearing or receipt of the employee's written response, notify the employee in writing of his decision as to the termination. A copy of the decision will be forwarded by the Chief to Human Resources, along with a personnel action form if termination is required.

- E. Should the employee be terminated the employee will be provided with a statement of the status of fringe and retirement benefits at the date of termination. The employee shall also be provided with a statement concerning the contents of the employee's employment record relating to the termination.

III

An employee suspended from duty shall have no Department authority and shall not engage in any police functions. The suspended employee shall be liable for any violations of Departmental policy during the suspension. A suspended employee shall not be permitted to wear the uniform or use Department equipment.

Except as otherwise directed by the suspending authority, a member relieved from duty shall surrender his badge and identification card and other equipment issued by the Department. An employee on suspension with pay is required to keep the Department informed of how he/she may be contacted during his/her otherwise scheduled working days and times.

IV

An employee, except in special duty circumstances specifically authorized by a supervisor, who reports to work with an odor of alcohol on his/her breath shall be immediately suspended from duty with pay. The suspending authority shall inform a division commander or the Chief of Police as soon as possible.

The suspended member shall be required to report to the Chief of Police on the next business day at a specified time unless otherwise directed by a commanding officer. The officer imposing the suspension shall report to the Chief of Police at that same time.

V

Supervisory employees are responsible for the performance, conduct and compliance with Department directives, policies and procedures of their subordinates. The role of supervisors dictates that appropriate action be taken in those instances where discipline is warranted. Failure to perform these supervisory duties is cause for discipline.

It is the responsibility of command and supervisory personnel to communicate training needs to the Department's training officer in an effort to correct or avert noncompliance of policy.

VI

A member may appeal disciplinary action in accordance with the Springfield Police Association bargaining agreement (for Association members), Service Employees International Union (for SEIU members), Oregon Public Employees' Union Contract (for OPEU members), or City of Springfield personnel policy and procedures (for other employees.)

VII

Disciplinary action memoranda shall be maintained or purged in accordance with schedules and criteria established in applicable working agreements for represented members and City policy for non-represented members.

Richard L. Lewis
Chief of Police