

1000.05

Disciplinary Guide Standard Operating Procedure



This procedure is for internal use only and does not enlarge an employee's civil liability in any way. The procedure should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this procedure, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.

Related Policies: ADM 3.5 Disciplinary Guide, ADM 3.6 Disciplinary Action

Applicable HI Statutes:

I. PURPOSE

To establish guidelines and procedures for the implementation of order and control within the department, and to provide a standard guide for the fair and consistent discipline of those who fail to meet department standards and comply with the collective bargaining agreement.

II. APPLICABILITY

This Procedure is applicable to all member of the Hawai'i Fire Department, and it shall be the responsibility of all members to comply with and follow these policies, guidelines, and the collective bargaining agreement.

III. OBJECTIVE

1. The establishment and maintenance of discipline is the responsibility of all officers. Officers' treatment of their subordinates will be impartial and without prejudice. Favoritism will not be tolerated.
2. No unfair advantage will be taken of a subordinate because of their obligation to offer respect for the chain of command.
3. Officers are responsible for the enforcement of all department SOG's, policy, procedures, rules and regulations.
4. Officers who choose to not enforce policy are in violation of their obligation as a Department supervisor, thus subjecting themselves to disciplinary action for dereliction of duty.
5. Officers will strive to adjust minor differences or disputes between their subordinates in a calm and professional manner.
6. Charges must be preferred for any offense of a serious nature, but minor or merely technical infractions of the rules should be corrected, either on the spot or privately when advisable. These types of infractions, generally speaking, will not be made the subject of charges unless repeated or persisted in. Persistent violators must be addressed formally.
7. Extenuating circumstances will be taken into account, but alleged ignorance or misunderstanding of rules will not be accepted as an excuse. The Just Cause Standard as stated in the collective bargaining agreement shall apply and previous conduct, good or bad, will be considered in determining the penalty.
8. Whenever employee performance, attitude, work habits or personal conduct on the job falls below a desirable level, supervisors will inform employees promptly and specifically of such lapses and give counsel and assistance.
9. When appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action.
10. In some instances a specific incident may justify severe disciplinary action in and of itself. However, the action to be taken depends on the seriousness of the incident and the whole



pattern of the employee's past conduct and performance and must comply with the just cause standard under the collective bargaining agreement.

IV. INVESTIGATIONS

All alleged violations shall be investigated thoroughly and objectively and only factual and relevant evidence shall be considered in applying the disciplinary measure. All disciplinary actions, including verbal reprimands, shall be properly documented and shall comply with the collective bargaining agreement.

Under the direction of the Fire Chief or his designee, an officer not directly involved with the incident, shall conduct the investigation. Such investigation shall 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 Hawai'i Fire Department SOG's, policies, procedures and/or rules and regulations.
2. Improper Conduct - The member has been found to be in violation of Hawai'i Fire Department SOG's, policies, procedures and/or rules and regulations and disciplinary action is warranted.
3. SOG, Policy/Procedure, Rules and Regulation Failure - A deficiency with the Hawai'i Fire Department SOG's, policies, procedures and/or rules and regulations 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.

V. PROCEDURES

1. All potential disciplinary actions will be in accordance with the Collective Bargaining Unit Contract representing the employee.
2. For internal complaints, alleged charges will be submitted on a To/From Memorandum and signed by the individual preferring the charges and submitted directly to the Deputy Fire Chief within a reasonable time frame.
3. For external complaints, the Fire Officer or supervisor shall take an initial statement from the complainant and obtain contact information (name and telephone number). The Fire Officer or supervisor shall be polite and professional. The Fire Officer or supervisor shall submit a To/From Memorandum to the Deputy Fire Chief with the statements and contact information from the complainant. If the Fire Officer or supervisor feels the complainant conduct is unprofessional or inappropriate, the Fire Officer or supervisor may insist that the complainant call back or return at another time to file their complaint.
4. Charges may be brought for any infraction specified in this Department Manual or as allowed by the collective bargaining agreement.
5. Documented verbal warnings, letters of caution or written warnings are non-disciplinary actions that caution a member for a violation and the potential disciplinary actions that



may be taken if the violation is repeated. A copy of said verbal or written warning shall be provided to the member, with a copy placed in their personnel file.

6. Any employee of the Department that is charged with an offense beyond a written or verbal warning will be given the option of a hearing to dispute the charges. Employees have the right to waive the hearing, therefore admitting guilt, and leaving the option of punishment to the chain of command. In such instances, the employee will, in writing accept the written notice of punishment and document their admission of guilt.
7. Employees will be given at least forty eight (48) hours' notice for all disciplinary hearings in writing with a copy to the Union, consisting of the charges being presented and the state of the employees current work status (either suspended, not suspended or other).
8. Any employee charged with an infraction of any departmental rules, regulations, policies and procedures, etc., will have the right to answer the charges against them.
9. The chain of command shall render findings in writing to the employee within 60 days of the Hearing.

VI. ADVERSE ACTIONS

1. Emergency Removal from Duty – Removal from duty, usually for the loss, expiration of, and/or failure to provide required documentation for service, such as job-related certifications, driver's license, AME, etc. Depending on the expired document, employee may be placed in a non-pay status or be placed on a 40 hour schedule (24 hour employee) until corrective measures have been taken.
2. Oral Warning - Will consist of a verbal statement of reprimand made to the employee. A written record of this verbal statement will be made and kept in the employee's personnel file in the Fire Department Records for a minimum of one (1) year.
3. Written Reprimand - Will consist of a written statement of reprimand delivered to the employee, a copy of which will be placed in the employee personnel file in the Fire Department Records and maintained in accordance with Directorate of Human Resources directives and the collective bargaining agreement.
4. Suspension - Will consist of a written notice to the employee to the effect that they are suspended from duty for a specified number of days without pay upon grounds stated in the notice.
5. Dismissal - Will consist of termination of employment from the Fire Department after written notice to that effect is given the employee, which will state the grounds there of.
6. The Fire Chief may use his/her discretion and use the following alternatives in lieu of dismissal:
 - a. Demotion In Rank - Will consist of written statement notifying the employee of a demotion in rank and the grounds for this action. A copy of this notice will be placed in the employee personnel file.
 - b. Dismissal Alternative - As a termination alternative, the Fire Chief may choose to offer an employee a Last Chance Agreement whereby said employee is allowed to return to work as an employee under specific conditions whereas a violation of said agreement shall result in immediate and irreversible termination of .employment.
 - c. Any other disciplinary action deemed appropriate by the Fire Chief

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24 hour Employee

8 hour Employee

Class A Rules

- 1st Verbal Reprimand
- 2nd Written Reprimand
- 3rd Suspension 1 work shift
- 4th Suspension 3 work shifts
- 5th Suspension 5 work shifts
- 6th Demotion in Rank
- 7th Dismissal

- Verbal Reprimand
- Written Reprimand
- Suspension 2 work days
- Suspension 6 work days
- Suspension 10 work days
- Demotion in Rank
- Dismissal

Class B Rules

- 1st Written Reprimand
- 2nd Suspension 1 work shift
- 3rd Suspension 3 work shifts
- 4th Suspension 5 work shifts
- 5th Demotion in Rank
- 6th Dismissal

- Written Reprimand
- Suspension 2 work days
- Suspension 6 work days
- Suspension 10 work days
- Demotion in Rank
- Dismissal

Class C Rules

- 1st Suspension 1 work shift
- 2nd Suspension 3 work shifts
- 3rd Suspension 5 work shifts
- 4th Dismissal

- Suspension 2 work days
- Suspension 6 work days
- Suspension 10 work days
- Dismissal

Class D Rules

- 1st Suspension 3 work shift
- 2nd Suspension 5 work shifts
- 3rd Suspension 10 work shifts
- 4th Dismissal

- Suspension 6 work days
- Suspension 10 work days
- Suspension 20 work days
- Dismissal

Class E Rules

- 1st Suspension 10 work shift
- 2nd Dismissal

- Suspension 20 work days
- Dismissal