

*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 provide the disciplinary actions and listing for Class “A” through “E” Rules.

**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 and guidelines.

**III. OBJECTIVE**

To maintain standards of conduct in the Hawai’i Fire Department.

**VI. PROCEDURE**

**Class A:**

<u>56 hour Employee</u> 1 <sup>st</sup> Verbal Reprimand 2 <sup>nd</sup> Written Reprimand 3 <sup>rd</sup> Suspension 1 work shift 4 <sup>th</sup> Suspension 3 work shifts 5 <sup>th</sup> Suspension 5 work shifts 6 <sup>th</sup> Demotion in Rank 7 <sup>th</sup> Dismissal	<u>40 hour Employee</u> Verbal Reprimand Written Reprimand Suspension 2 work days Suspension 6 work days Suspension 10 work days Demotion in Rank Dismissal
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**Class “A” Rules - All members shall not:**

1. Deliver any address, lecture or speech on a matter pertaining to this Fire Department as a *spokesperson* for the department without the approval of the Fire Chief. Request for such approval shall be forwarded through official channels. In this regard, members are prohibited from using their rank, title or position as a member of this department for personal or financial gain.
2. Smoking shall not be permitted at any time in the fire stations or any other place where smoking is prohibited by regulations. Smoking will be prohibited on all fire apparatus and at emergency scenes. Reasonable exceptions may be made by the officer in charge when an emergency no longer exists, but this authority will not extend to permitting smoking on firefighting apparatus at any time or under any conditions. This rule includes passenger cars.

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3. Permit apparatus to leave the quarters unless on call, training, P.T. outside station, inspections, public education, hydrant testing, and repair work, meals or other official Department business.
4. Permit visitors in the private areas of the station, such as the sleeping quarters or showers, unless permission has been granted by the Officer on duty.
5. Allow beds to be occupied between 0800 and 1630 hours, except in unusual cases of illness, if a firefighter has not had sufficient rest due to firefighting or EMS activities the night before.
6. Radios or other instruments to be operated at a level that will disturb other members in the sleeping area during sleeping hours. Sleeping hours are between 2200 hours and 0630 hours.
7. Participate or permit participation in non-departmental related work/activities while on duty, which interferes with job description.

### Class B:

#### 56 hour Employee

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

#### 40 hour Employee

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

### Class “B” Rules - All members shall not:

1. Engage in any other business, occupation, or calling for compensation.
2. Sleep while on duty, except during the hours permitted or at other times permitted by the Fire Chief.
3. Use official Fire Department letterhead, envelopes, or stationery except for the transaction of the official business of the Department.
4. Permit non-members of the Department to ride in or upon such vehicles except as authorized by department procedures or as authorized by the Fire Chief.
5. Affix or post any advertising, posters, flyers, for sale signs, private notices, or other disfigurements on Departmental property or apparatus without approval of the Fire Chief. No article, vehicle, or personal property shall be displayed on Department premises for sale. Use of the Department logo, pictures of apparatus or anything that might appear as an endorsement by this Department for private or personal business is prohibited.
6. Disturb unnecessarily the sleep of members in the dormitory or their sleeping quarters.
7. Park their personnel vehicles in an apparatus bay at any time except for the cleaning of their vehicle after 1700 hours. After the cleaning of their vehicles all fire department apparatus must be placed back in their designated bay.
8. Permit any changes or alterations to be made in the building or on apparatus by Company members, except by permission of the Fire Chief.
9. Engage in games or pastimes of any kind before 1630 hours and after 2200 hours.

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10. Allow gasoline to be used in quarters for cleaning purposes, nor permit any person to smoke or allow a naked flame of any description while and where motorized apparatus is being refueled.

### Class C:

#### 56 hour Employee

- 1<sup>st</sup> Suspension 1 work shift
- 2<sup>nd</sup> Suspension 3 work shifts
- 3<sup>rd</sup> Suspension 5 work shifts
- 4<sup>th</sup> Dismissal

#### 40 hour Employee

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

### Class "C" Rules - All members shall not:

1. Use obscene, uncivil, or boisterous language while on the scene of an emergency, while on duty at the station, or anytime he or she is representing the Hawai'i Fire Department in public places.
2. Allow the use of profane, indecent, or unseemly language, nor allow or permit members or visitors to speak disrespectfully of any other Officer or member.
3. Be party to any malicious gossip, report, or activity which would tend to disrupt morale in the Department or bring discredit to the Department or any member thereof.
4. Engage in any rough or boisterous conduct (horseplay) or similar activities that would interrupt the normal activities of the Department or that might cause accidental injury.
5. Make any purchase or incur any liability in the name of the Department without proper permission.
6. Accept any reward, gift, or donation, as a member of the Fire Department, without the approval of the Fire Chief.
7. Conduct himself/herself in a manner or be a party to any act which would tend to impair the good order, proper discipline, or efficiency of the department.
8. Release, disseminate or broadcast information as a *spokesperson* for the department without permission through chain of command. Members shall at all times exercise diligence to avoid holding themselves out to the public as being spokespersons for the department except when duly authorized.
9. Absent themselves from duty or place of assignment without specific permission from their supervisor or superior officer. Members shall report for duty promptly at the time prescribed. Members failing to report promptly for duty at the time prescribed, unless granted leave, shall be considered absent without leave (AWOL).
10. Go off duty before change of platoon unless properly relieved.
11. Allow lounging about the station by undesirable or intoxicated persons, nor shall they allow any bed or room to be occupied by any persons not a member of the department or not regularly assigned, except by permission of the Fire Chief.
12. Allow property to be used for the storage of any automobile or other property not owned, hired by, or loaned to the County except by permission of the Fire Chief.

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13. Permit anyone, except a member of the Department to ride on the apparatus when responding to or returning from an alarm, except as instructed by the Deputy Chief or Fire Chief.

### Class D:

#### 56 hour Employee

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

#### 40 hour Employee

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

### Class "D" Rules - All members shall not:

1. Use employment with the Hawai'i Fire Department, badge, uniform, or prestige of the department for the purpose of personal gain.
2. Lend his name to any commercial enterprise; nor shall the member approve or condone the use of the name and prestige of the Fire Department for any such purpose.
3. Publicly criticize or ridicule the department, its policies, or the members by verbal, written, or any other manner of expression when such action tends to impair the good order or efficiency of the department. Interferes with the ability of officers to maintain discipline, or is made with reckless for truth or falsity.
4. Gamble in quarters, county property or anywhere while on duty. This covers all types of gambling including placing bets with bookmakers by computer or telephone. Access to stations by bookmakers shall be prohibited by officers who shall be held responsible.
5. Directly or indirectly intercede with a member of a hearing board, a government official, or any judicial hearing in his or her behalf or on behalf of any member of the Department, except as provided by law.
6. Solicit any compensation, reward or consideration for services performed in the line of duty.
7. Directly or indirectly solicit the influence or intercession of any persons to effect his promotion, transfer, or other personal gain.
8. Solicit or accept the personal or financial aid of any subordinate to promote his private interests or those of any superior officer.
9. Use their position with the fire department to influence the vote of any person for or against any candidate for public office.
10. Damage any department property, nor handle any apparatus or equipment in a careless or reckless manner.
11. Hold any parties or gatherings of any kind in any station for any member of the department without the approval of the Fire Chief.
12. Willfully disobey any reasonable order issued by his/her supervisor, nor shall he/she speak disrespectfully to any superior officer or any member of the department.
13. Permit conduct unbecoming a public employee including actions which reflect unfavorably on the efficiency of the County, cause embarrassment or are damaging to the County or in general reflect unfavorably on the County, its employees or its citizens.

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**Class E:**

<u>24 hour Employee</u>	<u>8 hour Employee</u>
1 <sup>st</sup> Suspension 10 work shifts	Suspension 20 work days
2 <sup>nd</sup> Dismissal	Dismissal

**Class “E” Rules - All members shall not:**

1. Bring or cause to be brought into the any work station any firearms with or without ammunition.
2. Participate in any unauthorized possession or threatening use of weapons to include, but not limited to firearms, ammunition, explosives, fireworks, or knives while on duty, while in uniform, while on Department/County of Hawai’i property, while in department vehicle, or while representing the fire department at any time.
3. Display discriminatory or abusive behavior pertaining to politics, sex, religion, age, national origin, sexual preference, diversity, disability, ethnicity while on duty, while in uniform, while on Department/County of Hawai’i property, while in department vehicle, or while representing the fire department.
4. Engage in bullying, hazing, harassment, or other forms of oppressive behavior directed toward a coworker, superior or subordinate.
5. Engage in any physical altercation or violence while on duty, while in uniform, while on Department/County of Hawai’i property, or while representing the fire department.
6. Bring or cause to be brought into quarters any intoxicating liquor, illegal drug, or illegal substance or any ingredients used in the preparation of any intoxicant.
7. Permit any intoxicating liquor, illegal drug, or illegal substance or any ingredients used in the preparation of any intoxicant to be carried on, transported by, or stored upon any fire department vehicle.
8. Permit any intoxicating liquor, illegal drug, or illegal substance or any ingredients used in the preparation of any intoxicant to be brought onto, stored upon, or possessed by any employee on the premises of any operational portion of a fire station, including but not limited to the apparatus floor, the station living areas, lockers, equipment rooms, storage areas, bathroom and shower facilities, sitting rooms, etc. This also includes Lifeguard Towers and Dispatch Center.
9. Sell, lend nor give away any Department property, without the approval of the Fire Chief.
10. Appropriate for their own use any department or county property.
11. Pilfer or steal at fires or anywhere elsewhere while on duty, while in uniform, while on Department/County of Hawai’i property, or while representing the fire department.
12. Falsify reports, records, make misleading entries or statements with intent to deceive, or willful mutilation of any Fire Department record, log or document.
13. Engage in any sexual activity while on duty, while in uniform, while on Department/County of Hawai’i property, or while representing the fire department. This includes the possession or use of printed or audiovisual material that is sexually offensive.
14. Permit or cause destruction, abuse or unauthorized use of County property or equipment.
15. Endanger or permit endangering the health or safety of self or others.

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16. Engage in horseplay when activities contributes to the injury or ineffectiveness of the employee, the public, another employee, or damage to City property at any time.