



POLICY MANUAL

Personnel – Discipline

Departmental Discipline

Revised: 07-06-98

Code: 1 – 8 – 2

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2.0 Purpose: Establish Departmental Discipline Guidelines.

2.01 Scope: All Fire Department Personnel.

2.02 **WHO IS SUBJECT TO DISCIPLINARY ACTION**

Any member or employee violating his oath and trust by committing an offense punishable under the laws or statutes of the United States, the State, or local ordinances, or who persistently neglects to pay bills which he has contracted to pay, whose personal life and actions reflect against the reputation of the service of the Fire Department or of the service of the City of Clovis, or who violates any provision of the Rules and Regulations of the Department, or who disobeys any lawful order, or who is incompetent to perform, or performs his duties incompetently is subject to appropriate disciplinary action.

2.03 **PENALTIES**

The following penalties may be assessed against any member or employee of the Department as disciplinary action:

1. Counseling
2. Oral reprimand.
3. Written reprimand.
4. Voluntary surrender of time off in lieu of other action.
5. Voluntary surrender of accumulated overtime in lieu of other action.
6. Suspension.
7. Reduction in pay.
8. Demotion.
9. Resignation.
10. Dismissal from the service.



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2.04 DEPARTMENTAL DISCIPLINE

Final Departmental disciplinary authority and responsibility rests with the Fire Chief.

1. Any Chief Officer or Fire Captain may take the following disciplinary measures:
 - a) Counseling.
 - b) Oral reprimand.
 - c) Written reprimand.
 - d) Emergency suspension.
 - e) Written recommendation for other penalties.

2.05 EMERGENCY INTERPLATOON DISCIPLINARY ACTION

When the improper conduct of a member or employee of one platoon is of such a nature that immediate or emergency disciplinary action is required of a Chief Officer or Captain of another platoon, such actions may be taken at once within the following limitations:

1. Counseling.
2. Oral reprimand.
3. Emergency suspension until the next business day.

2.06 INTERPLATOON ORAL REPRIMAND

When a Chief Officer or Captain of one platoon counsels or orally reprimands a member or employee of another platoon, he shall notify the supervisor of the member so disciplined as soon as possible. He shall follow up with a written report of this action and reason therefore to the supervisor.

2.07 FOLLOW-UP ACTION ON EMERGENCY SUSPENSIONS

A member or employee receiving an emergency suspension shall be required to report to the Fire Chief on the next business day at 0900 hours unless otherwise directed.



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2.08 REPORTS OF DISCIPLINARY ACTION TAKEN OR RECOMMENDED

Whenever disciplinary action is taken or recommended (other than an oral reprimand), a written report must be submitted immediately in three copies containing the following information:

1. The name, rank, and present assignment of the person being disciplined.
2. The date(s) and time(s) of the misconduct and location(s).
3. The section of this manual violated or common name of the infraction.
4. A complete statement of the facts of the misconduct.
5. The punishment imposed or recommended.
6. The written signature and rank of the preparing officer and his position in relation to the member being disciplined.

2.09 DISTRIBUTION OF REPORTS OF DISCIPLINARY ACTION TAKEN OR RECOMMENDED

The report shall be distributed as follows by the officer imposing or recommending disciplinary action: (NOTE: See requirement mentioned above regarding oral reprimand levied against a member or employee of another unit.)

1. Original copy to the Fire Chief via the complete chain of command.
2. One copy retained by officer imposing or recommending the action.
3. One copy to the employee being disciplined.

2.10 MISCONDUCT OBSERVED BY FIRE PERSONNEL

Whenever any Chief Officer or Captain observes or is informed of the misconduct of another member or employee which indicates the need for disciplinary action, he shall take authorized and necessary action.



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2.11 DUE PROCESS

In the case of disciplinary action the Department will guarantee "Due Process" with specific emphasis on the "Skelley" decision.

The Fire Chief must approve all penalties except counseling, oral reprimands, and emergency suspensions. He will take the appropriate actions to comply with due process. This will include informing the employee in writing what actions are going to be taken, what the charges are, what the evidence is, the factual basis for taking that action including any documentation, and will give the employee an opportunity to respond prior to the action being taken.