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|  |  |  **Blue Ridge Fire District****Policy and Procedure** |  | General Order Number **E302** |  |
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|  | Subject: **Corrective Action** **& Appeals Policy** | Effective Date:**April 1, 2015** |  Total Pages:**3** |  |
| Board Approval Date:**March 21, 2015** | Rescinds: |  |
|  | Application:**All District Personnel** | *Signed into effect as authorized by the Board of Directors*John Banning, Fire Chief |  |
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1. **PURPOSE**

To promote a safe, harmonious, and effect work force.

1. **SCOPE**

This policy shall apply to all employees of the Blue Ridge Fire District.

1. **POLICY**

The District shall approach employee performance deficiencies in a positive and supportive fashion, geared toward helping the employee achieve success with improvement efforts. However, there may be times when performance and/or conduct may require some form of corrective or disciplinary actions to achieve a satisfactory level of performance.

1. **PROGRESSIVE DISCIPLINE PROCEDURES**
2. Often times the initial step toward corrective action may be a **verbal counseling discussion** between the supervisor and the employee to provide the employee with an understanding of the problem and set forth a course of action to achieve satisfactory performance or conduct. The supervisor shall document the conversation and maintain such record in his own supervisory files. The counseling is non-disciplinary in nature.
3. Another step in the process may be the issuance of a **Verbal Reprimand**, documented in a written memorandum describing the problem or incident(s) and how to attain the desired performance, and summarizing the course of action being taken, as well as the potential for further action. This form shall be signed by the employee and the supervisor and may be placed in the supervisor’s file or the employee’s central personnel file, depending upon the nature and severity of the incident.
4. Supervisors may elect to use a **Written Reprimand** to document a repeat offense of an infraction, or a more serious single infraction for which suspension, demotion or dismissal may not be warranted. This shall be documented in a letter of reprimand, describing the nature of the problem, any previous or related conversations or actions (if applicable), as well as the behavior or performance improvement plan that has been designed to correct the problem. All Written Reprimands should be discussed between the supervisor and the Fire Chief prior to being administered. The letter is to be signed by the employee and the supervisor, and placed in the employee’s central personnel file. Additionally, a copy of the documentation shall be provided to the employee. The employee shall be given the option to provide a written response to the letter.
5. If an employee’s conduct or performance is deemed severe enough, an employee may be placed on a **Disciplinary Suspension**. In such a situation, the supervisor shall confer with the Fire Chief to determine the length of the disciplinary suspension, which shall be without pay. This action shall also be documented in a written memorandum, describing the nature of the problem, any previous or related conversations or actions (if applicable), as well as the behavior or performance plan that has been designed to correct the problem. The letter is to be signed by the employee and the supervisor, and placed in the employee’s central personnel file. The employee shall be given the option to provide a written response to the letter. Disciplinary Suspension without pay shall not exceed 30 consecutive calendar days, nor shall any employee be penalized by suspension for more than 30 days in any 12 month period.
6. Another disciplinary action available is that of **Demotion**. In the event that the employee’s continued performance in the existing position is determined not in the best interest of the District, The Fire Chief may opt to reassign the employee to a position of lower rank and pay (see Policy entitled “Demotion”). Such action shall be documented on a “Personnel Action Report,” with a letter explaining the disciplinary action, and shall be signed by the employee, supervisor, and the Fire Chief, and placed in the employee’s central personnel file. A copy of this documentation shall be given to the employee prior to the effective date of the demotion.
7. If the employee’s conduct or performance is deemed severe enough, or the determination is made that the employee has been unable to or unwilling to achieve a satisfactory level of performance, the most serious action to be taken shall be Dismissal. The Fire Chief shall approve all **dismissal** decisions. It is to be noted that while progressive discipline is generally afforded, certain violations or conduct may be deemed severe enough to warrant immediate termination without prior steps being taken.

It is to be noted that while progressive discipline is generally afforded, certain violations or conduct may be deemed sever enough to warrant immediate termination without prior steps being taken. As an “at-will employer, Blue Ridge Fire District retains the right to make any such termination decisions.

If it is determined that continuation of employment is not in the best interest of the employee or the District, all facts, conversations, and actions shall be thoroughly documented and submitted with termination paperwork for processing the termination.

1. In any disciplinary action beyond a written reprimand, the supervisor shall provide the employee with a **letter of intended discipline** explaining the nature and specifics of the offense/problem, any previous or related conversation or action (if applicable), the behavior or performance plan that has been designed to correct the problem and the intended disciplinary action, including time limits. The letter shall include a statement of the employee’s right to respond in writing to the supervisor within three calendar days of its receipt. The employee shall understand the failure to respond within the time limits

Shall waive the right to respond, but he may still be entitled to appeal the disciplinary action as cover in the Appeals Procedure of this policy. The letter of intended discipline shall include a statement that the response shall be considered prior to the disciplinary action being imposed.

1. **Consideration of Employee Response** – If an employee responds to the pre-dismissal notice within three working days of receipt of the notice, the Fire Chief shall consider the response, including any additional facts or mitigating circumstances, and then determine if the intended dismissal shall be upheld. Within three working days, the Fire Chief shall notify the employee of his final intentions, as outlined below.

If, after consideration of the employee’s response, the Fire Chief elects not to carry forth with the intended dismissal, he shall submit to the employee a written withdrawal of the pre-dismissal notice. In such a case, neither the original pre-dismissal notice nor the letter of notification of the withdrawal decision shall be placed in the employee’s personnel file. However, the decision of the Fire Chief not to dismiss does not preclude him from taking any other disciplinary action. The Fire Chief shall make the determination as to the upholding of the unpaid suspension.

If, after consideration of the employee’s response, the Fire Chief determines that the dismissal is to be upheld, he shall sign a written letter that shall constitute dismissal. Reference to the pre-dismissal notice may be included in the document to substantiate the dismissal decision. Such letter shall be served on the employee or sent by certified mail. A signed receipt (unless refused) shall be attached to the dismissal letter and placed in the employee’s central personnel file. Dismissal action is subject to the employee’s appeal rights, as covered in the Complaint/Appeals Procedure policy.

1. **Employee Non-Response** – In the event that an employee opts not to respond to the discipline notice within three working days of receipt of the notice, the Fire Chief shall proceed with the intended dismissal. In such event, the Fire Chief shall issue a letter of dismissal, which shall be served on the employee or sent by certified mail. A signed receipt (unless refused) shall be attached to the dismissal letter and placed in the employee’s personnel file.
2. Initial probationary employees may not appeal a determination of dismissal, unless the basis of such termination is believed to be unlawful discrimination, harassment, or violation of state or federal law. In such case, the employee shall articulate in writing the basis of the appeal.
3. **APPEALS PROCEDURE**
4. Initial probationary employees do not have the right to appeal any disciplinary actions.
5. An employee, excluding initial probationary employees, who believe he has been disciplined unjustly in a written reprimand, suspension, demotion, or dismissal, may appeal the disciplinary action. The disciplinary action shall proceed; however, in the event that the appeals process results in rescinding or modifying the action, the employee shall be compensated accordingly.
6. **Step One** – The appeal must be filed in writing within three calendar days of notification of the disciplinary action. The appeal shall initially be submitted to the supervisor who delivered the disciplinary action. The supervisor will be responsible for handling the issue as an important business matter, making every effort to arrive at a prompt, equitable solution. The supervisor shall consider the reasons for appeal, document in writing any conclusions, solutions or unsolved problems and respond to the employee within three calendar days of receipt of appeal.
7. **Step Two** – If the employee still does not feel that the issue has been satisfactorily resolved after Step One, he has the option of taking the appeal to the next level of management within the chain of command for further consideration. The employee shall notify the immediate supervisor in writing within three calendar days of receiving the supervisor’s decision that the matter is still not resolved. The supervisor shall then, within three calendar days, forward all documentation from the appeals process to the next level manager for review. That manager will evaluate the situation and the response from the supervisor and hold a meeting with the employee and the supervisor within three calendar days. The employee must represent himself. The manager shall document any conclusion, solution, or unsolved problems in writing and return to the employee within three calendar days of the meeting.
8. **Step Three** – If the employee still does not feel that the appeal has been satisfactorily resolved after Step Two, he has the option of taking the problem, within three calendar days or the earlier decision, to the Fire Chief for further consideration. All documentation from the appeals process must be provided to the Fire Chief for review. The Fire Chief will evaluate the situation and the responses from both levels of management, and may opt to hold a meeting with all concerned parties, and then render his written decision within five calendar days. For any action less than a dismissal, the decision of the Fire Chief shall be final and binding.