



PARADIS VOLUNTEER FIRE DEPARTMENT

POLICY DOCUMENT

DISCIPLINARY PROCESS

1.0 PROGRESSIVE DISCIPLINE

1.1 Progressive discipline is a method of imposing discipline in steps, where a first offense results in a lesser punishment and subsequent offenses receive progressively harsher penalties. The Department may bypass certain steps as warranted by the nature and severity of the offense (i.e., violence). Four basic progressive discipline steps are:

- 1.1.1 Verbal warning – Although it is a “verbal” warning, documentation of such warning should be noted and placed in the employee / member’s file. The supervisor giving the warning should sign and date the warning form or other document.
- 1.1.2 Written warning – This should include a description of the behavior, what change is needed of the member, and what consequences the member may face if the behavior continues. A written warning is generally signed by both the member and the supervisor conduct placed in the member’s personnel file. A signed warning by the member does not admit fault, but rather acknowledges the fact that the warning was received. The member has the right to respond in writing to the warning and have this included in the personnel file as well.
- 1.1.3 Suspension – The length of suspension should match the severity of the wrongdoing or policy violation.
- 1.1.4 Expulsion – There are some offenses that could warrant bypassing lesser disciplinary steps and result in immediate termination. Those may include (but are not limited to) criminal acts, violence, destruction of property, and intoxication.

1.2 Documentation

- 1.2.1 Documentation of the various steps is the key to uniformity and fairness. A well-documented personnel file is typically the best piece of evidence supporting the organization’s discipline or termination decision.

- 1.2.2 The documented record should include:
 - 1.2.2.1 Date, time and place of policy infraction(s).
 - 1.2.2.2 Factual details of the incident(s).
 - 1.2.2.3 Specific rules and policies violated.
 - 1.2.2.4 Remedial steps recommended.
 - 1.2.2.5 Signature of the supervisor and member being disciplined.

2.0 DISCIPLINARY ACTION

- 2.1** A member serving a disciplinary period shall be considered not in good standing with the Department and shall lose their voting privileges during the given period.
- 2.2** The Active membership of the Department shall have full power and authority to suspend or expel any member for conduct prejudicial to the welfare of the Department.
- 2.3** Disciplinary Probation- is a period in which a member shall have the opportunity to resolve any violation of Department By-Laws. In doing so, the member will become eligible to return to good standing and/or Active status with the Department.
 - 2.3.1 The member will not have voting privileges during a disciplinary probation period.
 - 2.3.2 Violation of Department By-Laws while serving disciplinary probation is grounds for immediate dismissal from the Department.
 - 2.3.3 Officers serving probation will retain their rank and responsibilities.
- 2.4** Suspension- A period in which the member has been temporarily separated from the Department due to violation of Department Policy or By-Laws.
 - 2.4.1 All Department equipment is to be turned in at this point.
 - 2.4.2 Any suspension shall be followed by a minimum sixty (60) day probation period.

2.4.3 After serving the suspension and probation, the member shall be reinstated to his previous status at the next Regular Monthly Business Meeting.

2.5 Expulsion- Any member of the Department shall be expelled from the Department for any of the following reasons:

2.5.1 Any member who is convicted by any Court of Justice for any Felony shall thereby be expelled from the Department immediately.

2.5.2 Theft of Department equipment and/or funds.

2.5.3 Intentional destruction of any Department property or equipment.

2.5.4 Failure to abide by disciplinary action letters previously sent.

2.5.5 Any member who has been expelled from the department is required to return any department-issued equipment within a one-month period from the date of notification of expulsion. Failure to do so shall result in this equipment being reported to the local law enforcement agency as stolen property.

2.6 Immediate disciplinary action- Concerning any action or violation that poses an immediate threat to the Department, the Chief and President shall have the joint authority to impose an immediate temporary suspension until a hearing board can be convened to address the issue.

3.0 Any member appearing at any Department activity-- intoxicated or under the influence of drugs-- shall be required to leave at the request of the Officer in charge and may be subject to Disciplinary Action.

4.0 No resignation of a member shall be accepted until property and equipment belonging to the Department is returned. In the event a member resigns with charges still pending against the member, the charges must be finalized and carried out before the member is allowed to request reinstatement to membership with the Department.

5.0 GRIEVANCES

5.1 Any member may file a grievance against any other member or members, whether or not the accuser or accused is an Officer.

5.1.1 Such grievances must be in writing using the appropriate department grievance form.

5.1.2 The grievance shall be submitted to the President unless the grievance is against him, in which case, they shall be submitted to the Vice-President or Secretary.

5.1.3 The member filing a grievance must fill out the form completely and legibly.

5.2 No member shall be subject to disciplinary action without being given two (2) weeks written notice of the grievance made against that member and the opportunity to answer to such grievances.

5.2.1 An exception being Section 2.6 of Disciplinary Process Policy.

5.3 Any further information concerning events occurring prior to the submission of the completed form will not be considered by the Hearing Board.

5.4 The time limit to report any incident shall not exceed two (2) weeks from the date the incident occurs.

5.5 The Board of Directors shall have the authority to file a grievance against an individual member in cases involving the welfare of the Department.

5.5.1 In the event that the Board of Directors files a grievance in the response to a received complaint, the complainant will not be allowed to dismiss the grievance.

5.6 Upon the receipt of the grievance form, the President shall call a meeting of the Hearing Board to be held within two (2) weeks of the date of submission.

5.6.1 Notice to the members of the Hearing Board may be given in person, by phone, or via department email only, requesting written confirmation.

6.0 Hearing Board

6.1 The Hearing Board shall consist of the President, Secretary, Fire Chief, and four Senior Members (Non-Officers) whose name shall be pulled by lottery.

6.2 A quorum of the Hearing Board shall consist of five (5) members.

6.3 Should a grievance be filed against any Hearing Board Member(s), or should a Hearing Board member file a grievance, he must step down and be replaced by an Elected Officer chosen by lottery drawing

6.3.1 The exception being in the case of a grievance filed against the President, the Vice-President shall assume the role of the Presiding Officer.

- 6.4** The four non-officers shall have been active for at least one (1) year.
- 6.5** The President shall preside at any meeting of the Hearing Board.
- 6.6** The President shall call a meeting within two (2) weeks of receiving a grievance, advising the grievant of the date, time, and place of the meeting by means of any normal Department communications.
- 6.7** The first order of business at a Hearing Board meeting will be for the Hearing Board to determine whether or not the written request sets out just cause for action by the board.
- 6.7.1 If the Hearing Board determines that the charge(s) was/were maliciously or frivolously made, it shall dismiss the charges against the accused and the meeting shall be adjourned.
- 6.7.1.1 The Hearing Board shall then file a separate grievance against the accuser on the basis that a frivolous or malicious grievance was filed. The Hearing Board shall determine a suitable corrective action for the accuser(s), who shall be subject to the same corrective actions set out under this policy for an accused member(s) who is found in violation of Department Policies.
- 6.8** The duties of the Hearing Board shall be to:
- 6.8.1 Consider and investigate any and all grievance(s) filed within the Department.
- 6.8.2 Summon all parties involved to the hearing along with any witnesses.
- 6.8.2.1 Any member of this Department who is summoned to appear before the Hearing Board must attend such hearing as requested or submit a typed and signed statement in reference to the information they were to present at the hearing.
- 6.8.2.2 The summons may be delivered in person, by phone, or via Department email, requesting written confirmation.
- 6.8.2.3 Lacking this summoned member's presence or statement, the board will dismiss the information.
- 6.8.3 After considering the evidence presented at the hearing, regardless of the presence or absence of the accused, the board shall convene in closed session and make a determination as to whether or not the accused bears any fault concerning the grievance.

- 6.8.4 Determine a corrective action to be given out to the member(s) found at fault.
- 6.8.5 The accused/accuser that is present at the meeting shall be informed of the decision of the Hearing Board.
- 6.8.6 The President or Chief will contact the accused and/or accuser who is not present at the meeting to inform them of the decision of the Hearing Board within a two (2) week period from the date of the Hearing Board meeting.
- 6.8.7 In the event that a penalty is specifically set out in the PVFD Bylaws or this policy, the President shall immediately impose the penalty upon the member(s) in violation.
- 6.8.8 If the Hearing Board determines that the member is innocent, then it shall immediately make a determination as to whether or not the charge(s) was/were maliciously or frivolously made.
 - 6.8.8.1 If the grievance was found to be frivolous or malicious, then the Hearing Board shall file a separate grievance against the accuser on the basis that a frivolous or malicious grievance was filed. The Hearing Board shall determine a suitable corrective action for the accuser(s), who shall be subject to the same corrective actions set out in this policy for an accused member(s) who are found in violation of Department Bylaws/Policies.

6.9 Appeals

- 6.9.1 Any member who files a grievance or who has a grievance filed against them which is heard by the Hearing Board and ruled upon is entitled to an appeal of that decision before the membership of the Department if they so desire.
 - 6.9.1.1 A written request for an appeal of any Hearing Board ruling may be submitted to the president no later than 48 hours from the adjournment of the Hearing Board.
 - 6.9.1.2 The President shall call a Special Business Meeting of the membership to hold an appeal of the Hearing Board ruling within two weeks of receiving the appeal request.
- 6.9.2 The membership will be presented with all the information that was available to the Hearing Board at the time of the Hearing Board meeting, and may call for additional statements from any involved or witnessing party.

- 6.9.2.1 The membership, after being presented with all requested information, will go into closed session for a ruling.
- 6.9.3 A two-thirds (2/3) majority vote in the affirmative by secret ballot will be required to overturn a decision of the Hearing Board.
- 6.9.4 Any involved member named in the original grievance or found to be involved during the Hearing Board meeting or appeal meeting, will not be eligible to vote during an appeal ruling.
- 6.9.5 If the Department Membership upholds the decision of the Hearing Board, the suggested action of the Hearing Board will be carried out immediately by the President.