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|  |  | **Blue Ridge Fire District**  **Policy and Procedure** | | |  | General Order Number  **C202** | |  |
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|  | Subject:  **Administrative & Disciplinary Policies** | | | Effective Date:  **April 1, 2015** | | | Total Pages:  **7** |  |
| Board Approval Date:  **March 21, 2015** | | | Resends: |  |
|  | Application:  **All District Personnel** | | *Signed into effect as authorized by the Board of Directors*  John Banning, Fire Chief | | | | |  |
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Section

* 1. Application. The provisions of Division 1 shall apply to all members of the Blue Ridge Fire Department.
  2. Definitions. The following shall apply to all Divisions of the Blue Ridge Fire Department Rules and Regulations Manual:
     1. "Administrative Leave" - An absence from work and relief of duties without loss of pay and authorized by the Chief.
     2. "Chief" - The person designated by the Board of Directors as the Chief of the Blue Ridge Fire Department or a person designated by the Chief of the Blue Ridge Fire Department to act as Chief during his/her absence.
     3. "Regular employee" - Those members employed on a full time

compensated basis.

* + 1. “Reserve employee” – Those members employed on a part-time or

as-needed compensated basis.

* + 1. "Volunteer employee" - Those members employed on a

volunteer or non-compensated basis.

* + 1. "Conviction" - A finding of guilt by a court of law in any criminal matter; it includes formal probation and, for the purposes of discipline, deferred adjudication.
    2. "Arrest" - Detention by a Peace Officer where the member is placed in a detention facility under restraint, whether or not charges were pursued, and regardless of the disposition of such charges. It shall include those incidents where arrest/release procedures are used based on a person's signed promise to appear on a future date. It shall not include traffic offenses, except those which bear a higher penalty than Class C3M Misdemeanor.
    3. "Indefinite Suspension" - Equivalent to dismissal from the Department.
    4. "Insubordination" - Failure to recognize or accept the authority of a supervisor; any action, conduct, or language which displays a defiance of authority.
    5. "Major Violation" - Major violations of Rules and Regulations include:
       1. Insubordination
       2. Refusal to obey an order
       3. Threats of violence or fighting
       4. Failure to report an arrest
       5. Unauthorized possession of weapons
       6. Theft
       7. Disruption of work
       8. Neglect of duty
       9. Destruction of property
       10. Use or possession of illegal drugs on or off duty
       11. Use or possession of alcoholic beverage(s) on duty, public intoxication off duty
       12. On-duty impairment by reason of the use of any substance
       13. Loss of Driver's License or privilege
       14. Misrepresentations on department reports or records
       15. Failure to give true statements at administrative investigations
       16. Unauthorized leave
       17. Refusal to work in emergency situations or when the needs of the department require
       18. Official misconduct
       19. Conviction of any felony, or Class 1 or 2 Misdemeanor
       20. Moral turpitude
       21. Gross negligence or willful disregard of safe practices or safety regulations
       22. Two or more violations of Rules and Regulations (Repeat or multiple violations)
    6. "Member" - All persons employed by the Blue Ridge Fire Department, including both compensated and volunteer employees.
    7. "Restricted Duty" - Duties as assigned by the Chief generally involving assignments with minimal public contact.
    8. "Rules and Regulations" - As used herein, this term includes these Rules and Regulations, Special Orders, Blue Ridge Fire District Departmental Policies and Procedures, written or oral orders issued by supervisors, published standards of performance, physical and mental fitness standards, training or procedures manuals, and National Fire Protection Association Standards.
    9. "Supervisor" - Those members who by nature of their rank or pay grade, whether temporary or permanent, have the authority and responsibility to direct others' work activities.
  1. The Chief has the exclusive right to determine the purpose and duties of the Department; to set the standards of services to be offered to the citizens; to exercise control and discretion over the department organization and employees. Subject to existing laws, and Blue Ridge Fire District Departmental Rules and Regulations, it is the Fire Chief's right:

1. To direct employees;
2. To hire, promote, transfer, assign, reassign, and retain employees in positions and locations within the Fire Department;
3. To establish departmental work rules;
4. To suspend, demote, discharge, or take other appropriate actions against employees;
5. To determine job qualifications and assignments;
6. To maintain the efficiency of operations;
7. To take actions as may be necessary to carry out the mission of the department;
8. To determine department goals; and,
9. To determine the methods, means, tools, and personnel by which operations are to be carried out.
   1. Supervisors have the right to establish work rules at each of the Department's facilities consistent with, and in addition to, the provisions of Rules and Regulations.
   2. All members are charged with the responsibility of maintaining full knowledge and understanding of all Rules and Regulations. Strict compliance with these regulations will be required, and failure to be aware of their existence or to fully understand their content will not be an acceptable reason for non-compliance.
   3. Company Officers, Battalion Chiefs, Division Chiefs, Assistant Chiefs, and other management personnel are empowered by the Chief to initiate or administer discipline for infractions of rules or operational standards, or orders consistent with their level of authority, and to make recommendations to superior officers. No member shall be relieved of duty with or without pay, however, except on the order of the Chief.
   4. It is the responsibility of all supervisors to maintain standards of employee conduct in accordance with Rules and Regulations. Copies of Rules and Regulations shall be made available to members. Supervisors shall review these rules with members on a regular basis. Supervisors shall be thoroughly familiar with all rules.
   5. Supervisors shall be responsible to see that all members are qualified to perform assigned duties. When for any reason a member is not, or cannot be qualified, the supervisor shall make a written report to the Fire Chief, stating the reason(s) and making recommendations.
   6. All members shall dedicate themselves and display proper initiative to meet the objectives of the Fire Department and the Blue Ridge Fire District.
   7. Members shall in no way hinder the orderly, efficient operation of the Department, and shall exert the authority vested in them to uphold its Rules and Regulations. Members shall not exhibit conduct which interferes with the proper cooperation of employees or impairs the efficiency of the department.
   8. Members who fail to uphold the Rules and Regulations shall be subject to disciplinary action. Supervisors may recommend that members be relieved from duty and placed on Administrative Leave to avoid potential conflict and prevent embarrassment to the Department.
   9. Any member who fails to perform the duties of their assigned position in a satisfactory manner, or has omitted any act it was their duty to perform, or whose service is below standards, or whose conduct is unbecoming of an employee of the Blue Ridge Fire Department, shall be subject to disciplinary action.
   10. Should disciplinary action reduce staffing levels below minimum strength, the Company Officer or appointed authority shall advise the Fire Chief or his/her designee. If a supervisor fails to carry out the responsibility to maintain acceptable standards of conduct, or recommend action commensurate with any violation(s), they may be cited for failure to perform their duties, and therefore themselves be subject to disciplinary action.
   11. Members who believe that an order is improper shall obey the order to protect themselves from disciplinary action as long as the order will not cause bodily harm, or requires an act that the member knows to be illegal.
   12. Members shall show proper respect for rank held by an Officer of the Blue Ridge Fire Department and officers of other public safety or government agencies.
   13. Civilian employees of the Fire Department shall comply with all Rules and Regulations except those which, by nature of the regulation, do not apply. If a civilian employee has a question about whether or not a particular procedure or regulation applies to him/her, he/she shall consult with his/her immediate supervisor.
   14. Disciplinary action shall be corrective in nature, and shall normally be progressive, except that major violations may proceed to more severe actions, up to immediate indefinite suspension. For violations other than major violations, supervisors shall take corrective action in one of the following ways:
10. Oral reprimand
11. Written reprimand

Major violations shall be referred to the Chief for appropriate disciplinary action. The Chief may take action up to and including indefinite suspension.

* 1. Disciplinary action may be taken for, but shall not be limited to the following causes:

1. The member is incompetent or inefficient in performance in his/her duty.
2. The member has been inept in the performance of his/her assigned duties.
3. The member has exhibited one or more incidents of inexcusably poor judgment.
4. The member's mental or physical condition is such that he/she is incapable of performing assigned duties.
5. The member has violated provisions of Rules and Regulations.
   1. The Chief may restrict the duties of any member or may assign him/her to Administrative Leave. When placed on Administrative Leave for disciplinary or investigative purposes, members shall remain available to the Chief during normal business hours, Monday through Friday, by telephone, to appear as required, or to receive official correspondence.
   2. Members shall not be required to report for duty while suspended.
   3. All lockers, desks, and storage areas on Blue Ridge Fire District property or issued by the Blue Ridge Fire Department remain the property of the Blue Ridge Fire District, and are, when provided, for the temporary use of members. All such storage facilities (including food, clothing, or other lockers, desks, or filing cabinets) are subject to inspection by supervisors at any time without notice.
   4. When, in the judgment of the officer involved it is necessary to relieve a member of his/her duties pending the investigation of disciplinary action, the Company Officer shall:
6. Contact the Fire Chief or his/her designee and advise them of the violation.
7. The Chief or his/her designee shall make the determination to authorize the company officer to relieve the member of his/her duties and place him/her on Administrative Leave.
8. Subject to the Chief's approval, advise the member that they are being placed on Administrative Leave. If necessary, order them to leave the premises and to report to the Chief's Office within two hours, or as directed.
9. No member suspected to be under the influence of an intoxicating substance shall be ordered to leave the premises without the officer assuring that the member will not be allowed to drive in his/her condition.

1.23 The following shall be the procedure for Administrative Termination following the

finding of unfitness for duty (mental or physical) by a physician, psychiatrist,

psychologist, or any combination of the three.

1. Following a finding of physical or mental unfitness, the Chief shall make the final determination of duty status and may prepare an order of Administrative Termination of the member.
2. The order shall specify the effective date of the order, as well as any justification cited by the evaluating board or physician.
3. The order shall advise the member of any rights he/ she may have to pursue a medical disability claim.
4. The order shall advise the member that any appeal, if made, must be made in writing within ten (10) days.

1.24 No provision of these regulations shall be construed to prevent any member from

filing an appropriate appeal of any disciplinary action