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<b>Discipline/Corrective Action</b>		



## I. Definitions

### A. Discipline

The process by which the Division of Police ensures that an employee's conduct conforms to established standards. These standards include, but are not limited to, written rules, policies, procedures, and orders/directions given by a supervisor.

### B. Discipline Tracking System (DTS)

The computerized database used to document formal disciplinary actions taken by the Division; to provide discipline histories for individual Division employees; and to provide the history of discipline imposed for violations of specific rules, policies, and directives. The database does not provide information regarding positive corrective action.

### C. Positive Corrective Action

An effort by a supervisor to achieve voluntary behavioral modification through encouragement and persuasion including, but not limited to, counseling, retraining, professional assistance/evaluation, or a referral to the Employee Assistance Program.

## II. Policy Statements

### A. Discipline Determination/Recommendation

1. Supervisors shall recommend and/or take appropriate disciplinary action(s). A supervisor's recommendation, action, or inaction in disciplinary matters is subject to review by the chain of command. Supervisors who take or recommend inappropriate disciplinary action may be subject to discipline.
2. Supervisors shall refer to and abide by the provisions of the applicable collective bargaining agreement (CBA).
3. Supervisors should consider training and/or retraining as a part of all levels of formal and informal discipline.
4. Progressive Discipline
  - a. Supervisors may recommend deviation from progressive discipline based on the seriousness of the conduct and in accordance with the applicable CBA. Only the Chief of Police may approve deviation for sworn and OLC personnel, and the Chief of Police or the employee's deputy chief may approve deviation for AFSCME and CWA personnel.

- b. The principles of progressive discipline shall also be followed for personnel not covered by a CBA.
  - c. Supervisors should first consider Positive Corrective Action for incidents that are minor in nature and in which the employee demonstrates a genuine willingness to correct or modify the identified behavior.
- B. Chain of Command Review
1. Before issuing discipline, supervisors shall forward the following investigations through the involved employee's chain of command to the Chief of Police, deputy chief, **or bureau commander/manager**:
    - a. Absent without leave
    - b. Citizen complaint
    - c. Criminal or traffic law violations
    - d. Discharged firearm
    - e. Equal Employment Opportunity (EEO) complaint
    - f. Sexual harassment
    - g. Internal Affairs Bureau (IAB) investigations
    - h. Insubordination
    - i. Investigations ordered by a higher-ranking supervisor (unless the order was to resolve the incident at a lower level)
    - j. Recommendation for departmental charges or deviation from progressive discipline
    - k. Serious or critical misconduct
    - l. Vehicular pursuit, use of the Precision Immobilization Technique, Ramming, Boxing-In, or Stationary Roadblock
    - m. Untruthfulness
  2. An immediate supervisor may issue discipline to an employee without prior approval when the incident does not first require a chain of command review. Refer to the "Administrative Investigations" section of the Supervisor's Manual and the appropriate **CBA**.
- C. Levels of Discipline
1. The levels of discipline for FOP and OLC members, from lowest to highest, are as follows:
    - a. Documented Constructive Counseling (DCC)
    - b. Written Reprimand
    - c. Suspension and/or Demotion
    - d. Termination
  2. The levels of discipline for AFSCME and CWA members, from lowest to highest, are as follows:
    - a. Oral Reprimand
    - b. Written Reprimand

c. Suspension and/or Demotion

d. Termination

3. The levels of discipline for personnel not covered by a CBA, from lowest to highest, are as follows:

a. Letter of Reprimand

b. Suspension and/or Demotion

c. Termination

#### D. Disciplinary Documentation

1. Supervisors shall document the circumstances regarding the issuance of discipline and forward the information through the appropriate chain of command. When the disciplinary action comes as the result of an administrative investigation, the investigative letter will suffice as documentation; however, when the circumstances are not documented elsewhere, a letter of information must be completed.

2. Supervisors shall complete the appropriate discipline form as follows:

a. Disciplinary Action, form A-17, to document a DCC or Written Reprimand issued to FOP or OLC members.

b. City Disciplinary Reprimand Form to document an Oral Reprimand or Written Reprimand issued to AFSCME or CWA members.

3. The original completed discipline forms shall be maintained only in an employee's **Master Personnel File** by the Personnel Unit. Copies of completed discipline forms, paper or electronic, shall not be kept or maintained in any other Division file.

4. The original investigative files of incidents leading to discipline shall be forwarded as noted in the "Records Management" directive upon the completion of the final disposition of an investigation.

#### E. Departmental/**Disciplinary** Charges

1. Departmental charges may be brought against a Division employee for incidents that include violations of law, serious or critical misconduct, or pursuant to progressive discipline for repeated violations. Supervisors may recommend departmental charges in these situations; however, only the Chief of Police may approve departmental charges for sworn personnel, and only the Chief of Police or the involved employee's deputy chief may approve **disciplinary** charges for civilian personnel.

2. Discipline arising out of sustained departmental charges may include, but are not limited to, suspension, demotion, and termination.

#### F. Discipline Tracking System

1. **Human Resources Bureau** personnel shall be responsible for entering all data concerning disciplinary actions into the DTS.

2. The information contained in the DTS is for official use only. Only Division supervisors and personnel authorized as part of their job responsibilities may access or review the information in the DTS.

3. Supervisors may use information in the DTS to support recommendations for discipline or to determine the eligibility of an employee to transfer to a new assignment.
4. Information contained in the DTS shall be maintained in accordance with **the** applicable **CBAs**.

### III. Procedures

#### A. Immediate Supervisor

1. Review the investigative packet and/or other documented information regarding the incident to determine whether a violation has occurred. **Follow the procedures outlined in the “Administrative Investigations” section of the Supervisor’s Manual as needed.**
  - a. For sworn personnel, specify the particular Rule(s) of Conduct and corresponding Directives, Standard Operating Procedures, orders, and/or directions that were violated.
  - b. For AFSCME, CWA, OLC, and civilian personnel not covered by a CBA, specify the particular City Work Rule(s) or Rule(s) of Conduct and corresponding Directives, Standard Operating Procedures, orders, and/or directions that were violated.
2. Determine the appropriate discipline to recommend or issue when a violation is determined.
  - a. Consider any mitigating/compounding factors as appropriate.
  - b. Access the DTS to determine what level of discipline was issued to other personnel for similar conduct.
  - c. Review the employee’s service record, **Master Personnel File**, or other appropriate information as needed.
  - d. Consult the Human Resources Manager or designee for guidance on any allegation of discrimination, harassment, hostile work environment, or workplace violence.
3. Issue positive corrective action or discipline when a chain of command review is not required. Otherwise, forward recommendations with the investigative packet or letter of information through the appropriate chain of command, and follow through with the approved course of action when returned.
4. Issue the appropriate level of discipline.
  - a. Complete the appropriate discipline form, provide one copy to the employee, and forward other copies as noted on the form.
  - b. Complete a Data Processing Worksheet (DPW), form U-10.164, when necessary.
  - c. Forward the original discipline form and DPW with the investigative packet/letter of information through the chain of command.

## B. Chain of Command

1. Review the investigative packet/letter of information.
2. Review subordinate supervisors' actions or recommendations. Cause any areas of disagreement to be reviewed, discussed, or clarified.
3. Make a recommendation and forward to the **commander or** deputy chief, except for incidents to be reviewed by the Fleet Safety Committee.
4. Make a recommendation and forward to the Fleet Safety Committee Recording Secretary for incidents to be reviewed by the Fleet Safety Committee.

## C. **Commander or** Deputy Chief

1. Review the investigative packet/letter of information.
  - a. If recommending departmental charges or bypassing progressive discipline for sworn personnel, ensure that the investigative packet/letter of information is reviewed by a Discipline-Grievance **Section** Lieutenant.
  - b. Make a decision regarding departmental/**disciplinary** charges for civilian personnel, and forward to the Human Resources Manager.
2. Forward to the Chief of Police with a recommendation when:
  - a. Departmental charges are recommended for sworn personnel.
  - b. Deviation from progressive discipline is recommended for sworn personnel.
3. Make a final recommendation for all other disciplinary issues as appropriate, and forward the decision with the investigative packet through the chain of command to the immediate supervisor.
4. Forward the investigative packet with the original discipline form and DPW to **Human Resources Bureau personnel** for processing once discipline has been issued.

## D. Chief of Police

1. Review the investigative packet/letter of information.
2. Determine the course of action for recommendations to deviate from progressive discipline and/or to approve departmental charges.
  - a. Forward the investigative packet to the Discipline-Grievance **Section** Lieutenants when departmental charges are approved for sworn personnel.
3. Hold a hearing to allow sworn personnel to respond to departmental charges.
  - a. Make a final recommendation/decision of disciplinary actions as appropriate.
  - b. Forward investigative packets and recommendations to the Director of Public Safety when applicable.

E. Discipline-Grievance **Section** Lieutenants

1. Follow appropriate SOPs for processing departmental charges.

F. Civilian Personnel

1. Upon receiving notification of a hearing and the delivery of departmental/**disciplinary** charges, attend the hearing at which time the Labor Relations Hearing Officer will consider the merits of the disciplinary charges.

G. Fleet Safety Recording Secretary

1. Forward the original discipline form to the Personnel Unit.

**H. Human Resources Bureau Personnel**

1. **Input discipline information into the DTS.**
2. **Forward the investigative packet to IAB for filing.**