

ADOPTED: FEBRUARY 1, 2013

REVISED:

A. DISCIPLINE GENERALLY

On-the-job conduct of District employees affects the ability of the District to serve its citizens and affects the taxpayer's impression of District government. Employee safety, productivity and morale are dependent upon employee conduct.

Occasionally it is necessary for supervisors to resort to corrective action when other actions are inappropriate, or where a particular employee fails to respond to informal guidance.

In order to provide a fair method of correcting, and when necessary, disciplining employees, the District's Officers will use progressive discipline procedures. This section concerning discipline does not apply to the District's chief executive officer, who serves at the pleasure of the Board of Directors.

B. DISCIPLINE - GENERAL GUIDELINES

1. Discipline may be initiated for many proper reasons, including, but not limited to, violations of the work rules, insubordination or poor job performance. The severity of the action generally depends on the nature of the offense and an employee's work record, and may range from verbal counseling to discharge.

2. Progressive discipline for infractions include:

- a. Verbal counseling;
- b. Written counseling or warning;
- c. Temporary reduction in pay in lieu of suspension;
- d. Suspension;
- e. Demotion; and
- f. Discharge.

Any or all of these steps may be utilized, depending upon individual circumstances and the nature of the infraction. Exceptions or deviations from the normal procedure may occur whenever the District deems it appropriate, case by case.

C. APPLICATION OF PROGRESSIVE DISCIPLINE

1. For performance deficiencies, employees will normally be verbally counseled once before receiving a written warning. A supervisor may or may not choose to make the imposition of a verbal warning part of the employee's personnel file.

2. In the event of two or more performance problems or more serious violation of a District policy or rule, a written warning may be issued.

- a. The warning should be signed and dated by the employee. An employee who disagrees with the facts in the warning may submit a written response. It will be placed in the personnel file with the warning.
- b. A written warning need not pertain to the same or similar matter (issue).
- c. In addition to a written warning, the Fire Chief may also suspend an employee without pay for a period of up to thirty (30) working days, or take other disciplinary action deemed appropriate. Prior to suspending an employee

without pay, the Fire Chief will meet with and afford the employee an opportunity to respond, as set forth in Policy 8.2 (N) (3) (c).

- d. Department heads, with the approval of the District, may demote or reduce the pay of employees for cause. A written statement of the reasons for such action shall be furnished to the employee, and a copy shall be made a part of the personnel file. The employee will sign the statement acknowledging s/he has received a copy of it, and may file a rebuttal statement.
- e. Discharge may result if the employee violates District policy, commits serious misconduct or fails to improve the level of performance.

D. DISCHARGE PROCEDURE

1. Pre-Discharge Conference. If the Fire Chief determines there is cause for the discharge of an employee, the Fire Chief shall notify the employee of the specific reasons and that a suspension without pay and/or discharge is being considered. The employee shall be provided with the facts upon which the actions are based. The Fire Chief shall afford the employee a formal opportunity to refute the charges orally or in writing.
2. Once the employee has been afforded an opportunity to refute the charges and explain the circumstances, the employee may be suspended without pay. If a pre-discharge conference is to be held, it will be scheduled and held (3) three days after notice of action has been given. The employee will be given adequate time to develop a response and to seek necessary outside assistance as the employee feels necessary. The time limits may be varied by the District to meet individual needs.
The Fire Chief will conduct the conference and decide whether to impose discharge or a lesser degree of discipline.

E. APPEAL OF DISCIPLINE ACTION

1. Right to Appeal from Discipline. Any regular employee subordinate to the District's Chief Executive Officer who has been suspended, reduced in pay, demoted or dismissed, shall have the right of appeal to the Board of Inquiry. Notice of the appeal must be filed not later than ten (10) days of the effective date of the action. The notice of appeal shall include at least the following information: (a) a statement of the complaint and the facts upon which it is based; (b) the remedial action requested; (c) a statement of the reasons why the remedial action is appropriate; (d) a statement of any policies, procedures or law or rules which have not been adhered to or which should be followed. The appeal shall be heard by the Board of Inquiry within twenty (20) days after receipt of the request. The Board of Inquiry shall furnish the department head concerned with a copy of the notice of appeal in advance of the hearing.
2. Who May Appeal. Only regular employees not excluded from the application of these policies have a right to appeal disciplinary actions. In addition to formal appeals under this Section, the Fire Chief may give consideration to all suggestions and complaints that concern administration of the personnel policies.
3. Investigations. In connection with an appeal or complaint, with respect to any matter arising under these personnel policies, the Fire Chief may conduct an

investigation as he deems necessary. The Fire Chief shall make a written report upon all matters investigated under the personnel policies. A copy will be given to the employee and placed in the file.

4. Hearings on Appeal.

Procedure. The Fire Chief shall set a hearing upon timely requests made under this policy. The employee and the department head shall be given written notification of the time and place of the hearing.

The order of procedure at the hearing will be as follows:

- a. The department head or a designee will set forth the reasons for the action and the facts on which it is based. The employee may conduct cross-examination if appropriate.
- b. The employee may present evidence in support of the appeal with or without the assistance of legal counsel or other representative.
- c. The department head or a designee may cross-examine or submit evidence in rebuttal or both.
- d. Opening statements, if any, will be brief and confined to the issues. Closing argument, if any, will be first by the department head or a designee then by the employee. The department head may offer rebuttal evidence if desired.
- e. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Affidavits and counter-affidavits are acceptable as evidence. If either party intends to rely on an affidavit, it shall provide the other party with such affidavit together with the name, address and telephone number of the affiant at least ten (10) days prior to the hearing or such affidavit shall be inadmissible.

5. Conduct of Hearings. A hearing before the Board of Inquiry is intended solely for the purpose of receiving evidence either to refute or substantiate specific charges brought to the Board of Inquiry. The hearing shall be conducted accordingly. The Board of Inquiry may impose limits on questioning in the interest of the orderly conduct of the hearing and fairness.

6. Counsel or Representative. In appealing a disciplinary action to the Board of Inquiry an employee may, but is not required to, have counsel or other representative.

7. Board of Inquiry. When needed, the Board of Directors shall appoint a Board of Inquiry to hear an appeal. It shall consist of a non-voting chairman from the Board of Directors. In case of paid personnel, two other directors will be appointed.

8. Board of Inquiry Findings. If, after receiving evidence presented in hearings on disciplinary actions, the Board of Inquiry finds that sufficient evidence supports the charges, that the complained-of action taken by the department head was reasonable and was taken for a proper reason consistent with policy, the Board of Inquiry may affirm the action; if they find that the complained-of action taken by the department head was not so made, the Board of Inquiry shall fashion an

appropriate remedy and the personnel file shall be purged of such record. The Board of Inquiry, in lieu of affirming the disciplinary action, may modify the discipline as the circumstances warrant.

At the time of filing the request of the appeal with the Board of Inquiry, the Fire Chief shall supply the employee with an outline of the procedures used by the Board of Inquiry. The decision of the Board of Inquiry shall include findings of fact and shall be final.

An employee with remedies under a labor agreement may use this appeal procedure, and may do so only if the employee and the Union waive the right to proceed to appeal under any other policy or contract law or rule.

F. VOLUNTEER DISCIPLINE

The procedure set forth for A Pre-Discharge Conferences shall apply to all forms of discipline to be imposed on volunteers. Volunteers may appeal to the Board of Inquiry or to the Board of Directors.