

JACKSONVILLE POLICE DEPARTMENT

Policy: 7-9

Effective: 01-01-09

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DISCIPLINARY PROCEDURE

PURPOSE: To establish Department guidelines in progressive steps of disciplinary action.

POLICY: It is the policy of this Department to avoid separation of employment of an otherwise productive employee when conduct, behavior, or performance problems occur, if possible. This Department will use progressive disciplinary action to bring about change once it is shown that a employee knew, or should have known, that such conduct, behavior or performance failed to comply with established policies, provided that the conduct, behavior or performance was not caused by a lack of skills or ability that the typical employee would not be expected to possess. Prior to taking any such disciplinary action, lesser forms of actions, such as supervisory consulting or formal counseling, will be appropriate and were followed when circumstances allow.

PROCEDURES:

I. ADMINISTRATION

When discipline is deemed appropriate, this Department will use a progressive system, when practicable.

- A. Furthermore, discipline shall be for cause and shall follow the basic concepts of due process.
- B. This Department will not illegally discriminate against current employees, potential employees, or employee groups on the basis of sex, ethnic background, race, religion, color, age, or physical disability in any disciplinary or separation of employment proceedings.
- C. Supervisors must ensure that fair enforcement decisions are made in the use of disciplinary or separation of employment action. Fair enforcement incorporates the concepts of equality and equity; supervisors will not illegally discriminate against employees and will treat them equally when making decisions about the appropriate type of intervention to use in correcting a performance deficiency. Solutions will include, but are not limited to, training, discipline, remedial training, reassignment, demotion, and lastly, separation of employment. Whatever the administrative action, its amount and degree must be based on equity.
- D. A Pre-Disciplinary Hearing will be established anytime the Chief of Police is considering disciplinary action on an officer that is above a written reprimand. The officer may opt-out of the Pre-Disciplinary Hearing. In this instance, the Chief of Police will move forward to the Disciplinary Review Board.

II. EQUITY DEFINED

- A. Equity means that supervisors review each employee's performance deficiency and consider the following:
 1. Circumstances to help determine the amount and degree of administrative action;
 2. The seriousness of the offense;
 3. Management's expectation that the type and level of administrative action will facilitate or deter the conduct, work proficiencies or behaviors of others;
 4. The employee's overall conduct, work productivity, time between other violations (if other offenses occurred), and behavior record;
 5. Management's expectation based on the employee's overt behavior, that the type and level of administrative action will correct and improve the employee's future job performance. In

- other words, will the employee respond positively to discipline; and
6. The employee's seniority.
- B. It is the policy of this Department to separate employees when situations are beyond the control of the Department, when the employee's actions or inactions create such, and/or when the results of the employee's actions or inactions, are such a nature that:
 1. Economic necessity requires reductions in the work force;
 2. A employee fails to demonstrate a willingness or ability to improve his or her conduct, behavior or performance deficiencies without intense supervision; and/or
 3. Failing to terminate the employee would create an unreasonable risk of negligently retaining an employee who has failed to display the necessary competencies to remain as an employee of the Department.
 - C. When discipline is deemed appropriate, it is policy to use a progressive system, when practicable. Furthermore, discipline shall be for cause and shall follow the basic concepts of due process.
 - D. Not every supervisory interaction or intervention with an employee is to be construed as discipline. Except in cases of culpability, correcting undesirable conduct, behavior or work performance is at times best handled by the immediate Supervisor in an informal manner. This means taking the employee aside and discussing the problem, candidly and openly. In addition to supervisory consulting, the following situations are not considered to be disciplinary:
 1. Verbal Counseling/Remedial Training: At times, personal problems may interfere with the employee's ability to perform normally. When the results are not serious enough for discipline but call for a more formal type of supervision than just consulting with the employee, verbal counseling and/or remedial training may be the proper tool to help the employee. Verbal Counseling/remedial training is not necessarily a form of discipline.
 2. Administrative Leave: Administrative leave occurs any time an employee must be removed from duty until a proper investigation or other administrative proceeding can be held. Situations can involve cases of suspected misconduct, or can involve a use of deadly force or other such use of force circumstances. In such cases, leaving the employee in position could create an unreasonable liability or safety issue for this Department. The immediate Supervisor can order a relief from duty and then immediately report the action through the chain of command to the Chief of Police. The Chief of Police can then assess the situation, initiates an investigation (when necessary), and makes a confirmed decision in a timely manner whether the relief will continue and, if so, its duration. These types of furloughs are not always discipline and should not be viewed as such.
 3. Incompetence or Inability to Serve: Anytime an employee's performance is consistently poor or the employee is not able to perform all the assigned responsibilities, duties or tasks of the job in a competent manner, causes exist to separate the employee's employment.

III. STEPS OF PROGRESSIVE DISCIPLINE

- A. Verbal Counseling: Verbal counseling is to allow a supervisor to bring to the employee's attention the need to improve their work performance, work habits, behavior or attitude, and to serve as a warning against further unsatisfactory conduct. The supervisor utilizes the occasion to identify and define the area needing improvement and inform the employee as to how such improvement can be realistically achieved.
- B. Written Warning: Written warnings are written records and the first step in the progressive discipline system. They are intended to be the least intrusive form of discipline. Written warnings are provided to employees of this Department within forty-eight (48) hours of the infraction being determined or the next scheduled work day.
- C. Written Reprimand: A written reprimand is the second step in discipline, unless circumstances of the case justify a higher level of discipline, in which case this can be bypassed.