

SOUTH PORTLAND FIRE DEPARTMENT

STANDARD OPERATING GUIDELINES

Policy #:	5.231	Effective Date:	8/6/2024
Title:	Disciplinary Policy	# of pages:	7
Category:	Personnel	Classification:	Green

1. **PURPOSE:** To provide disciplinary policies, guidelines, and procedures for the South Portland Fire Department that are consistent with the City of South Portland's progressive disciplinary policies.

2. **POLICY:**

- The establishment and maintenance of discipline is the responsibility of all officers. Officers' treatment of their subordinates shall be impartial and without prejudice. Favoritism or unjust discrimination of duties or orders will not be tolerated.
- No unfair advantage shall be taken of a subordinate because of their obligation to obedience. Spite orders, petty persecutions, or nagging will not be tolerated.
- Officers shall see that rules are enforced
- Officers shall strive to adjust differences or disputes between their subordinates.
- Charges must be initiated for any offense of a serious nature, but minor or merely technical infractions of the rules should be corrected, either on the spot or privately when advisable. These types of infractions, generally speaking, shall not be made the subject of charges unless repeated or persisted in.
- Extenuating circumstances will be taken into account, but alleged ignorance or misunderstanding of rules will not be accepted as an excuse. Previous conduct, good or bad, will be taken into account in determining disciplinary action.
- Whenever employee performance, attitude, work habits, or personal conduct on the job falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action.
- In some instances, a specific incident may justify severe disciplinary action in and of itself. However, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past conduct and performance.

3. **PROCEDURES:**

A. All charges shall be made in writing and signed by the individual initiating the charges.

- Charges shall be brought for the following violations, however not limited to just these actions:
 1. Violation of any rule, regulation or lawful order of a superior officer.
 2. Inefficiency or incapacity in the performance of duty.
 3. Neglect of duty.
 4. Reporting for duty while under the influence of drugs or alcohol.
 5. Drinking any alcoholic beverage or taking drugs that might incapacitate an individual while on duty.
 6. Absence without leave.
 7. Refusal to obey orders.
 8. Careless or reckless operation of a motor vehicle.
 9. Speaking disrespectfully of any officer or person connected with the fire department, which includes verbal and non-verbal statements.
 10. Sending or receiving offensive messages including, but not limited to threats, discriminatory slurs (ethnic, sexual, etc.) obscene language, and harassment of any type.
 11. Making a false report or statement.
 12. Conduct prejudicial to good order or discipline such as: gambling, disorderly behavior, provoking or harmful mischievous conduct, quarreling, threatening, fighting or assaulting, creating discrediting public spectacle, unnecessary disturbance of sleeping persons between 2300 hours and 0600 hours or during other permitted times, meddling with property or belongings of others, hazing or similar acts.
 13. Thievery: the taking of property belonging to the department or an individual.
- No charges shall be brought unless it is believed the charges can be proved.
- Charges and complaints brought against a person of higher rank by members of the department shall be in writing to the next highest ranking officer above the person that the charges are being brought. Such charges and complaints shall be signed by the individual bringing them.
- Any officer or member of the department charged with any offense shall plead either "guilty" or "not guilty".
- Any officer or member charged with an infraction of departmental rules shall have the right to answer the charges against him/her and face his/her accuser(s) if he/she so desires.

B. Types of Disciplinary Actions:

- Reprimand/Coaching: This is a non-documented, teaching moment by either a senior officer to junior officer, officer to firefighter, or senior firefighter to junior firefighter. The goal is to point out the mistake and provide a coaching moment that will quickly correct it without the need for formal process.
- Verbal Warning: Shall consist of an oral statement of reprimand made to the member. A written record of this oral statement shall be made and kept in the member's personnel file.
- Written Warning: Shall consist of a written statement of reprimand delivered to the member, a copy of which shall be placed in the member's personnel file.
- Suspension from Duty: Shall consist of a written notice to the member to the effect that he/she is suspended from duty or a specified number of days without pay upon grounds stated in the notice.
 - i. Any member who is arrested and charged with a felony may be removed from work during the period between arrest and the end of the trial. During this period, he or she may be considered on leave without pay status, except that the employee may request vacation or compensatory time if he or she wishes.

- Demotion in Rank: Shall consist of written statement notifying the member of a demotion in rank and the grounds for this action. A copy of this notice shall be placed in the member's personnel file.
- Termination: Shall consist of dismissing the member from the Fire Department after written notice to that effect is given the member which shall state the grounds thereof.

C. Administrative Leave

A member may be placed on Paid Administrative Leave when the City of South Portland Administration determines that:

- An investigation is being conducted to determine the circumstances of an allegation made against a member of the Fire Department.
- It is in the best interest of the Fire Department or the Individual.

The Chief of the Fire Department, with the express approval of the City Manager, has the right to place a member of Paid Administrative Leave.

A member, placed on Paid Administrative Leave, is entitled to:

1. The reason(s) for being placed on Paid Administrative Leave.
2. The length of time (if known) the Paid Administrative Leave will last.
3. All the rights and privileges of employment with the South Portland Fire Department except:
 - a. A member may not earn Overtime, Comp Time, or Deferred Time Off while on Paid Administrative Leave.
 - b. A member may not perform any function related to their employment with the City of South Portland.
 - c. Visitation at the South Portland Fire Department is limited to official approved purposes only.
 - d. A member on Paid Administrative Leave is to be considered innocent of all charges or allegations until a member has had a criminal or administrative hearing.

4. REFERENCES:

- None

By Order Of:



Phil Selberg
Fire Chief

DISCIPLINARY ACTION FORM

Name of Individual Involved: _____

Date of Report: _____

Date of Incident: _____

Charge or Incident:

Firefighter/Officer Reporting Signature: _____

- ☐ Investigative Report Attached (Include Officer/Witness Statements)
- ☐ Interview with Employee Attached Date: _____ Time: _____

Investigator Signature: _____

- ☐ Fire Chief Action Attached

Fire Chief Signature: _____

South Portland Fire Department Outline of Disciplinary Action

OFFENSE	FIRST	SECOND	THIRD
Tardiness	Verbal Warning	Written Warning	Suspension
Inappropriate Use of Sick Time	Written Warning	Suspension	Termination
Insubordination	Suspension	Termination	
Sloppy Work	Reprimand/Coaching	Verbal Warning	Written Warning
Improper Conduct	Verbal Warning	Written Warning	Suspension
Violation of Safety Standards	Verbal Warning	Written Warning	Suspension
Stealing	Suspension/Termination	Termination	
Fighting	Suspension/Termination	Termination	
AWOL	Written Warning	Suspension	Termination
Chargeable Accident/Incident	Verbal Warning	Written Warning	Suspension
Failure to Submit Required Reports	Reprimand/Coaching	Verbal Warning	Written Warning
Willful Violation of Notice/Bulletin	Verbal Warning	Written Warning	Suspension
Use of Drugs/Alcohol on Duty	Suspension/Termination	Termination	
Violation of Rules/Regulations	Reprimand/Coaching	Verbal Warning	Written Warning

The above chart are just examples of common Offenses and the disciplinary action that can be expected. This list does not constitute a full list and Disciplinary Actions assessed could be different than those listed based on other factors that may become known during an investigation as well as past history.