

SUBJECT: Awards and Disciplinary System		NUMBER: 330.1
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DISTRIBUTION: All Personnel	AMENDS/SUPERCEDES: CHAPTER 1-RR; CHAPTER 2-G, H, I, J, K.; 340.1	REVISED DATE: 9/27/01, 01/08/08, 10/02/08; 4/30/24
RELATED STANDARDS/STATUTES/POLICIES: CALEA 22.4.1, 22.4.2, 22.4.3, 26.1.2, 26.1.4, 26.1.5, 26.1.6, 26.1.7, 26.1.8, 26.3.7		

PURPOSE: To establish the Department's Awards and Disciplinary System.

POLICY: The maintenance of an effective disciplinary system is essential in order for the Department to effectively control the performance of officers and to satisfactorily achieve its objectives. There must be a uniform system of discipline based on fairness to the employee and the agency.

I. Definitions

A. Grievance

A grievance is the dissatisfaction an employee feels when he believes that he has not been treated fairly or when an employee believes a mistake has been made in the administration of Authority rules or policies. Dismissal of an employee is not a grievable act. (CALEA 22.4.1 a)

II. Awards Program (CALEA 26.1.2)

A. Letter of Recognition

- 1) To be awarded for an outstanding act, rendering exceptional service, or accomplishment which was the result of personal sacrifice whereby the employee has gone far beyond the requirements of his/her normal assignment.
- 2) A Letter of Recognition can be issued by any Supervisor.
 - (a) The Letter of Recognition will be forwarded to the Assistant Chief through the chain of command.
 - (b) The Assistant Chief will provide a copy of the letter to the Chief of Police and the employee's personnel file.

B. Chief's Letter of Commendation

- 1) To be awarded to an employee for service above and beyond the call of duty by giving evidence of selfless conduct by an employee.

- 2) Such conduct may be based on an individual act or a series of actions which have been undertaken in a manner by which the employee takes it upon himself to perform in a manner not required or expected.
- 3) The act is to be unusual in nature, showing initiative or accomplishment.
- 4) The award may also be presented for outstanding accomplishment which has served as a credit to the Department or has resulted in improved methods, operations, or cost savings.
- 5) Supervisors may submit a memo to the Chief of Police, through the chain of command, outlining the facts of an incident, which meet the above criteria as a nomination for this award.
 - (a) Selections will be made by the Chief of Police.
 - (b) A copy of the letter will be placed in the officer's personnel file, brought to the attention of the Town Council, and may be provided to the local media.

C. Medal of Honor

- 1) The award is presented to an officer who distinguishes himself/herself by gallantry and action at the risk of his/her own life, above and beyond the call of duty, while on duty.
- 2) The deed must have been one of personal sacrifice, clearly distinguished above that of normal duty.
- 3) Qualifying actions involve the possibility that the officer could have sustained serious injury or loss of life.
- 4) Recommendations for the award can be made to the Chief of Police by any employee.
 - (a) It must be in writing with complete documentation to meet the criteria for the Medal of Honor.
 - (b) If approved, a presentation will be made of a certificate and the Medal of Honor by the Chief of Police.

D. Employee of the Year and Quarter

- 1) These awards are presented to an employee who demonstrates exemplary behavior and efficiency and continuously strives to exhibit the highest characteristics of professionalism and service to the community and Department.
- 2) Recommendations for the awards can be made to the Chief of Police by any employee through the chain of command.
 - (a) It must be in writing with supporting documentation.
 - (b) Selections will be made by the Chief of Police.

E. Other Awards and Medals

- 1) The Chief of Police shall reserve the right to submit recommendations for awards and medals to the South Carolina Police Chiefs Association in recognition of officers whose conduct merits recognition based on the criteria established by the Association.
- 2) In addition, the Chief of Police may nominate any officer for awards or certificates issued by any law enforcement professional organization when the officer's actions or conduct merit recognition based upon the criteria of the individual organization.
- 3) Additional information on such awards and their accompanying ribbons can be found in Appendix 330A.

III. Discipline

A. Supervisory Authority (CALEA 26.1.5)

- 1) All supervisors shall be responsible for detecting those instances and actions when positive or negative disciplinary actions are warranted for members under their immediate or indirect supervision. These responsibilities include:
 - (a) Investigation of allegations of employee misconduct when within the scope of their authority and responsibility.
 - (b) Counseling employees to improve job performance or correct minor infractions and procedures.
 - (c) Identifying training needs as a function of the disciplinary process.
 - (d) Implementing disciplinary action approved by the Chief of Police or Assistant Chief.
- 2) All supervisors are held responsible for any discipline administered at any level below them within their span of authority. Supervisors may exercise the following disciplinary measures with members under their control:
 - (a) Shift Supervisors (Sergeants and Corporals)
 - (i) Counsel
 - (ii) Verbal reprimand
 - (iii) Written reprimand
 - (iv) Recommend more serious disciplinary action.
 - (v) Emergency relief from duty.
 - (b) Lieutenants
 - (i) Same as II.2 a and;
 - (ii) Recommend suspension
 - (iii) Recommend discharge
 - (iv) Change of duty assignment within their span of supervisory control
 - (c) Assistant Chief of Police
 - (i) Same as II.2 a-b and;

- (ii) Suspension (in the absence of the Chief of Police).
- (iii) Termination from the Department (in the absence of the Chief of Police).
- (d) Chief of Police
 - (i) Same as II.2 a-c and;
 - (ii) Demotion in rank and pay.
 - (iii) Termination from the Department.

B. Temporary Relief of Duty (CALEA 26.3.7)

- 1) An employee may be relieved from duty on a temporary basis by any superior in a position to observe or be reliably informed of conduct or behavior that is serious enough to warrant immediate action. The following actions may result in temporary relief of duty:
 - (a) Excessive use of force
 - (b) Insubordination
 - (c) Violations of criminal law
 - (d) Consumption of alcoholic beverages or illegal drugs while on-duty
 - (e) Reporting for duty under the influence of alcohol or illegal drugs
 - (f) Sleeping while on-duty
 - (g) Commission of actions that endangers the life of another.
 - (h) Any actions or omissions on the part of an officer that provide the supervisor with cause to believe that the officer is unfit for duty.
- 2) An employee temporarily relieved of duty will be required to report to the Chief of Police, or in his absence the Assistant Chief, on the next business day at 1000 hours.
- 3) The supervisor will take possession of the employee's weapon, identification and vehicle.
- 4) The supervisor will provide the employee with a ride to the employee's residence and advise the employee that the employee is under emergency suspension and is relieved of all police powers until instructed otherwise by higher authority.
- 5) The Chief of Police and Assistant Chief will be immediately notified in such instances.
- 6) The supervisor imposing the relief will also report with complete documentation of the incident. The supervisor may also be required to provide a statement regarding the incident or circumstances resulting in temporary relief from duty.
- 7) The Chief of Police will determine what action is to be taken and if the relief continues.

C. Disciplinary Actions

- 1) Punitive action may be administered in a progressive fashion. Although not all inclusive, the following should be taken into account when considering administration of discipline:
 - (a) The seriousness of the incident.
 - (b) The circumstances surrounding the incident.
 - (c) The employee's past disciplinary record.
 - (d) The employee's past work performance.
 - (e) The impact of the incident on the Department.
 - (f) The prognosis for future similar disciplinary problems.
- 2) Training (CALEA 26.1.4 a)
 - (a) Acts that are committed because an officer either misunderstood procedures or was never made aware of the correct action, are indicators of training needs.
 - (i) These needs may be corrected by remedial training.
 - (ii) Remedial training is personalized training designed to correct a specific deficiency.
 - (b) Training may be used as part of the Department's disciplinary system by itself or along with other disciplinary procedures determined by the Chief of Police. An employee may be assigned to remedial training upon approval of the Chief of Police.
 - (c) In a non-disciplinary action, an employee may be assigned to remedial training if the supervisor recommends the process to correct a lack of skill, knowledge, or ability to perform assigned tasks. Recommendations for remedial training will be made in writing through the chain of command to the Chief of Police.
 - (d) Completion of required remedial training will be documented in the employee's OPS file by the OPS Inspector.
- 3) Informal Counseling (CALEA 26.1.4 b)
 - (a) Informal counseling involves assisting employees in problem solving.
 - (i) It may be corrective or preventive in nature and/or may focus on the necessity for a person to change his/her present behavior or work methods.
 - (ii) It may also focus on a disciplinary problem, which may be handled in a positive manner by itself.
 - (b) A supervisor should counsel an employee when the employee has an existing problem or is experiencing difficulty understanding or adjusting to matters which are:
 - (i) Job related
 - (ii) Policy and procedure related
 - (iii) Interpersonal relationships with coworkers
 - (iv) Personal matters which are affecting the employee's work

- (c) Due to the fact that counseling is informal in nature and is not documented, it will not be used as a determining factor for scores on employee performance evaluations.
 - (d) Problems or disciplinary matters that are recurrent or are more serious should be handled through formal disciplinary action.
- 4) Verbal Reprimand (CALEA 26.1.4 c)
- (a) A verbal reprimand shall be given by the employee's immediate supervisor, or command staff, in an interview with the employee which shall be held specifically to advise the employee of the reprimand.
 - (b) The supervisor shall identify the work rule or standards of conduct which the employee has violated or the duties that the employee has failed to discharge, and will suggest corrective action.
 - (c) The verbal reprimand will be documented in the employee's personnel file and initialed by the employee.
- 5) Written Reprimand (CALEA 26.1.4 c)
- (a) A written reprimand is a formal reprimand to the employee from his supervisor describing the way in which the employee's conduct or performance has failed to meet prescribed standards.
 - (b) The written reprimand should be used in cases where a past verbal warning has been ineffective or where an offense has been committed which requires more severe action than a verbal warning.
 - (c) The written reprimand shall specify the violations charged against the employee or the failures in work performance of the employee and shall specify corrective action.
 - (d) It shall warn the employee that repeated offenses will lead to sterner measures, including possible discharge.
 - (e) The employee will acknowledge receipt of the reprimand by signing the Town of Lexington Disciplinary Action Form.
 - (f) The reprimand will be made part of the employee's personnel file.
- 6) Suspension (CALEA 26.1.4 c)
- (a) Suspension is a serious disciplinary action in which the officer must forfeit his/her salary for misconduct considered to be serious or part of a continuing pattern of behavior involving repeated misconduct.
- 7) Demotion (CALEA 26.1.4 c)
- (a) Demotion is the appointment of an employee to a new position having decreased responsibility and pay.
 - (b) Involuntary demotion may be utilized in circumstances which an employee exhibits unsatisfactory performance or personal conduct in one position but shows promise of becoming a valued employee in another position.
 - (c) It may be used as an alternative to termination and it is the most severe corrective action that may be imposed prior to discharge.

- 8) Termination (CALEA 26.1.4 c)
 - (a) Termination is the permanent removal of an employee from duty, thereby ending his/her employment with the Town.
 - (b) If employee misconduct results in termination from the Department, the employee shall receive written notice that will contain the following information: (CALEA 26.1.7)
 - (i) The reason for termination (charges and specifications). (CALEA 26.1.7 a)
 - (ii) The effective date of termination. (CALEA 26.1.7 b)
 - (iii) The status of fringe and retirement benefits after termination, which will be provided by the Town of Lexington. (CALEA 26.1.7 c)
 - (iv) A statement as to the content of employee's personnel files relating to the termination, which will be provided by the Chief of Police.
 - (c) The above section does not apply to entry level probationary employees.

D. Chiefs Role

- 1) Final disciplinary authority and responsibility for Departmental members rests with the Chief of Police. As such the Chief of Police shall:
 - (a) Review all submitted reports and evidence of any disciplinary action prior to being made part of an employee's personnel file.
 - (b) Sustain or modify the action.
 - (c) Impose the forms of punitive discipline identified in this policy.

E. Records Maintenance (CALEA 26.1.8)

- 1) Reports and supporting documents that relate to an administrative review of disciplinary action will be retained by the Office of Professional Standards and not placed in the employee's personnel file.
- 2) The notification of disciplinary action and/or the disciplinary action form will be placed in the employee's personnel file.
- 3) Written reprimands may be purged from the employee's personnel file after one year at the discretion of the Chief of Police, upon the written request of the affected employee.

F. Appeal Procedures (CALEA 26.1.6)

- 1) Employees receiving disciplinary action have the right to appeal the action to the supervisor of the officer imposing the disciplinary action.
 - (a) Any appeal of disciplinary action shall occur within 5 days of such action.
 - (b) The appeal shall be in writing
- 2) Any disciplinary action imposed by the Chief of Police shall be final and not subject to appeal.
- 3) The appeals procedure is an administrative process only and does not constitute a contract between the employee and the Town of Lexington.

IV. Grievances (CALEA 22.4.1 b)

A. The grievance procedure is an administrative process only and does not constitute a contract between the employee and the Town of Lexington.

B. Immediate Supervisor

- 1) If an employee has a grievance, it should first be discussed orally with his immediate supervisor.
- 2) Employees are urged to initiate such discussions at the time the dissatisfaction or question arises. (CALEA 22.4.1 c)
- 3) Supervisors in turn should take positive and prompt action to answer the employee's questions and resolve complaints presented to them.
- 4) The supervisor should document by memorandum the date, time, and issues discussed concerning the resolution of the grievance.

C. Division Commander

- 1) If an employee's grievance has not been resolved after an oral discussion with the supervisor, the employee may submit a formal grievance to the Division Commander.
- 2) The grievance shall be in writing and initiated within five (5) business days following the date when the employee first discussed the incident with his/her immediate supervisor. (CALEA 22.4.1 c)
- 3) At a minimum a written grievance should include: (CALEA 22.4.1 d)
 - (a) A written statement of the grievance and facts upon which it is based
 - (b) The allegation of the specific wrongful act and harm done
 - (c) A statement of the remedy or adjustment sought
- 4) A supervisor receiving a written grievance shall note date, time, and person receiving the grievance. (CALEA 22.4.1 e)
- 5) The supervisor will provide a written answer to the employee within three (3) working days of receiving the written grievance. (CALEA 22.4.1 e)

D. Appeal to the Assistant Chief of Police

- 1) If a satisfactory resolution of the grievance is not resolved with the immediate supervisor, the employee may appeal to the Assistant Chief of Police.
- 2) The appeal must be in writing within five (5) business days following the written answer by the immediate supervisor. (CALEA 22.4.1 c)
- 3) Any appeals to the Executive Officer shall note the date, time, and person receiving the grievance. (CALEA 22.4.1 e)
- 4) The Assistant Chief will provide a written answer to the employee within five (5) working days of receiving the written grievance. (CALEA 22.4.1 e)

E. Final Appeal to the Chief of Police

- 1) If a satisfactory resolution of the grievance is not resolved with the Assistant Chief, the employee may appeal to the Chief of Police.
 - 2) The appeal to the Chief of Police must be in writing and presented within five (5) business days. (CALEA 22.4.1 c)
 - 3) Any appeals to the Chief of Police shall note the date, time, and person receiving the grievance. (CALEA 22.4.1 e)
 - 4) The Chief of Police may initiate an investigation into the employee's concerns. (CALEA 22.4.1 e)
 - 5) The Chief of Police will meet with the employee and review all information regarding the grievance.
 - (a) The employee may present facts and/or evidence of the grievance. (CALEA 22.4.1 e)
 - (b) The employee may bring persons to assist in presenting the facts of his/her grievance. (CALEA 22.4.1 f)
 - 6) The Chief of Police will provide a written answer to the employee within five (5) working days following such meeting. (CALEA 22.4.1 e)
 - 7) The decision of the Chief of Police is final however, the Town of Lexington reserves the right at its options to review the decision rendered. (CALEA 22.4.1 e)
- F. Failure in any step of the grievance process to meet established timelines will result in the grievance being considered settled. (CALEA 22.4.1 e)

G. Grievance Records

- 1) The Assistant Chief of Police will coordinate the grievance process and maintain all files and records associated with all grievances. (CALEA 22.4.2)
- 2) The Assistant Chief of Police will conduct an annual analysis of all grievances filed by Department members and submit a report to the Chief of Police regarding these matters. (CALEA 22.4.3)