

MINOR VIOLATIONS

PREAMBLE:

The Omaha Police Department (OPD) strives to deliver quality service and ensure adherence to OPD policies and procedures for the benefit of the community and OPD employees. This policy describes minor violations that most often occur and the guidelines that will be followed by supervisors when addressing these violations. Violation of OPD policies and procedures will be addressed with a fair and uniform disciplinary approach. Disciplinary actions will be based on the causes stated in collective bargaining agreements, the OPD Policies and Procedures Manual (PPM), City of Omaha [Mayoral Executive Orders](#) and [Human Resources policies](#), and [Chapter 23](#) of the Omaha Municipal Code, as appropriate.

POLICY:

It is the policy of the Omaha Police Department (OPD) to address minor policy violations in an equitable manner and to use non-punitive actions, when appropriate, to correct such minor violations. Counseling is reserved for minor violations and must take place before any disciplinary action is taken. Only if the problem is not resolved by counseling will discipline be considered for minor violations.

DEFINITIONS:

Employee Counseling: A non-disciplinary action in which a supervisor discusses a particular work problem with an employee and documents that discussion.

Failure to Attend Training: Failing to attend scheduled training (i.e. qualification shoot, in-service training).

Improper Care of Equipment: Improper care or negligent use of equipment (i.e., vehicles, accessories, facilities and supplies) in a manner not consistent with OPD guidelines and manufacturer's specifications. This minor offense is not meant to address inappropriate operation of vehicles, improper use of weapons, or other incidents that may be submitted to the Safety Review Board for further disposition.

No Answer: Failure to respond on police radio, without justifiable cause, when called by a radio dispatcher, when such action results in completion of a Failure to Answer Form.

Radio Communication Violation: Improper police radio communications of a minor nature (i.e. officer radio designation, improper code/signals, failure to hit on call) as outlined in OPD policy.

Smoking Policy Violations: Failing to adhere to the OPD smoking policy.

Tardiness: Reporting late for work (i.e., duty assignment, court) without justifiable cause.

Uniform/Grooming Violations: Failing to adhere to procedures and policies set forth re: grooming, uniform and/or civilian attire.

Violation of Correspondence Procedures: Failing to accurately complete a report or citation, distribute and/or properly handled required correspondence (i.e. Sick/Family Sick/FMLA Leave Report Form, warrants, Incident Reports, Citations).

PROCEDURE:

I. Sworn Violations

- A. Minor violations may include violations such as Failure to Attend Training, Tardiness, Violation of Correspondence Procedures, No Answers on Police Radio, Uniform/Grooming Violations, Improper Care of Equipment, Smoking Policy Violations and Radio Communication Violations.

B. Graduated Discipline for Listed Violations.

1. The first step in trying to formally resolve a minor problem requires a supervisor meeting with the employee and employee counseling.
 - a. Supervisors who conduct sworn employee counseling will complete a Sworn Personnel Supervisor Documentation of Job Performance Interview ([OPD Form 13](#)).
 - (1) No sworn employee may be disciplined for any minor violations unless that employee has been counseled, in writing, on [OPD Form 13](#), for the same offense within twelve (12) months preceding the event which gives rise to the new discipline.
 - b. The original [OPD Form 13](#) will be placed in the employee's personnel file via the Internal Affairs Unit, and a copy of [OPD Form 13](#) will be provided to the employee.

NOTE: Nothing in this policy precludes supervisors from using verbal policy reviews or other informal methods, at their discretion, to correct minor violations.

2. If counseling does not solve the problem, disciplinary action will be taken as follows:
 - a. Violation 1: Written Reprimand.
 - b. Violation 2: One (1) work day suspension.
 - c. Violation 3: Three (3) work day suspension.
 - d. Violation 4: Five (5) work day suspension.
 - e. Violation 5: Administrative review for further disposition.
3. Similar violations which occur within twelve (12) months of the last action will be considered cumulative and will be addressed at the appropriate violation level as indicated above.
4. Assigned discipline is based on a progressive system for the same offense, and the prescribed penalties after the first offense cannot be imposed until the immediately-preceding penalty for such offense has been imposed.
5. Any variation to these disciplinary procedures must be approved by the bureau commander.

II. Non-Sworn Violations

- A. Non-sworn OPD employees are bound by City of Omaha Mayoral Executive Orders, Human Resources Department policies, their respective collective bargaining agreement, and OPD policies and procedures.
- B. Non-Sworn Employee Counseling.
 1. The City of Omaha [Human Resources](#) policy, "Employee Counseling Documentation" ([Policy #10](#)) is applicable to all City civilian employees, including non-sworn OPD employees.

2. It is up to supervisors to decide whether to counsel an employee about a particular work problem or to attempt actual discipline. This decision is governed by the severity of the work problem.

NOTE: In all incidents of counseling a non-sworn Local 251 collective bargaining group employee for excessive sick leave usage, a representative of the employee's collective bargaining group must be present. Supervisors/Managers shall contact City Labor Relations for assistance with this type of counseling.

3. When a supervisor/manager decides to counsel a non-sworn employee about a particular work problem rather than attempt actual discipline they will adhere to the following procedures:
 - a. It is important that the counseling be documented properly. Supervisors/Managers shall use the City of Omaha HRIS Infor system, per their City of Omaha training.

NOTE: The Infor system is available via the [DotComm OKTA My Apps page](#). For a copy of the City HR guidelines/training materials related to completing Counseling and/or Discipline within the Infor system, employees may contact the Police Personnel Unit and/or Labor Relations Division.
 - b. The counseling supervisor/manager shall upload the completed counseling document into the Infor HRIS system without delay. The City HR Department is responsible for providing a copy of the document directly to the applicable collective bargaining group representatives.
4. When a counseling is entered and/or completed, the supervisor will record their own observations. If relying on what another employee has stated, this will also be noted in the system in the applicable "Counseling" and "Notes" sections and/or on the form, and a written communication from the other employee will be attached/uploaded.
 - a. The supervisor shall be accurate in noting the statement of the problem and the employee's response.
5. For counseling to be effective it should be specific, accurate, and factual, and lead to concrete proposed solutions.
 - a. Whenever possible the supervisor will state the facts, not an opinion.
 - b. When an opinion is stated, the supervisor will outline the factual observances that lead to that opinion.
6. Non-sworn supervisors and/or managers who complete a counseling will have access to the completed forms in the Infor system.
7. The counseling supervisor shall provide a final, signed copy to the employee.
 - a. The Infor System will route additional copies automatically to any required parties (i.e. to the Labor Relations Division, etc.).

NOTE: When an employee is disciplined, the Supervisor will attach any prior, related, counseling documentation forms to the discipline documentation.
8. If the problem is not resolved by the counseling, and disciplinary measures become necessary, a written documentation of the previous counseling serves two purposes.

- a. It provides written proof that prior counseling has taken place.
 - b. It provides a quick method of recalling details of prior poor performance, and allows the supervisor to testify from facts.
- C. Non-Sworn employee reprimands, suspensions, and/or other disciplinary actions shall be in accordance with the OPD “[Professional Oversight – Disciplinary Action](#)” policy, [HR Policy 37](#) (Procedures for Civilian Discipline and Termination), and the applicable [collective bargaining agreements](#).
- D. OPD supervisors/managers of non-sworn employees shall be cognizant that some employees’ CBAs contain provisions governing the employees in addition to city/OPD policies and procedures. Non-sworn supervisors/managers should familiarize themselves with their employees’ [CBAs](#). For example:
 - 1. Employees whose job classifications are within the Local 251 collective bargaining group may NOT be disciplined for any Minor Violation outlined in their CBA unless the employee has been Counseled, in writing, on the form approved by the City, for the same offense, within the twelve (12) months preceding the event that gives rise to the new discipline.
 - 2. Some CBAs may contain language related to employee tardiness or other specific offenses.

REFERENCES:

I. Law

- A. Omaha Municipal Code [Chapter 23](#) is referenced in this policy.

II. Previous OPD Orders

- A. Previous General Orders: #27-87, 30-90, 78-94, 61-97, 74-18, 60-22, 66-23, and 37-25.

III. Accreditation Standards

- A. Relevant CALEA Accreditation Standards: 26.1.4 and 35.1.6.

IV. Other

- A. PPM Monthly Updates: #06-2017.
- B. City of Omaha [Human Resources Policies](#): #10 (Employee Counseling Documentation) and #37 (Procedures for Civilian Discipline and Termination).