

**DEPARTMENTAL GENERAL ORDER**

**OLIVETTE POLICE DEPARTMENT  
OFFICE OF THE CHIEF OF POLICE**

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Grievance Procedure

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**DISCIPLINARY SYSTEM**

**I. PURPOSE**

It is the purpose of this General Order to establish a disciplinary system for the employees of the Olivette Police Department. In recognition of the fact that each instance differs in many respects from other instances, the Department retains the right to treat any occurrence on its individual merits without creating precedents for the treatment of any other case that may arise in the future.

**II. ROLE OF THE SUPERVISOR IN THE DISCIPLINARY SYSTEM**

- A. The primary responsibility for maintaining and reinforcing employee conformance with the standards of conduct of this Department shall be with the employee and the first line supervisors.
- B. Supervisors shall familiarize themselves with the employees in their unit and closely observe their general conduct and appearance daily.
- C. Supervisors should remain alert for indications of behavioral problems or changes that may affect an employee's normal job performance. The supervisor should document such information.
- D. Before disciplinary measures are taken, the supervisor may examine all mitigating and extenuating circumstances, previous training, experience, prior record of performance, conduct of the employee, and seriousness of the offense to render a fair and impartial decision.
- E. A supervisor may recommend additional training to refresh and reinforce an employee's skills or modify a behavior.
- F. Counseling may be used by the supervisor as follows:

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1. To determine the extent of any personal or job problems that may be affecting performance, and to offer help and guidance;
2. To discuss minor and infrequent rule violations, and to discuss the substance and importance of the rules with the employee.

G. The supervisor shall use Guardian Tracking and the Coaching Report, Form #OPD – F1058, to document all instances of counseling or additional training used to modify an employee's behavior.

### **III. DISCIPLINARY ACTION:**

A. Any employee of the City may be dismissed, demoted, suspended with or without pay, transferred to a position in the same class, or reprimanded, verbally or in writing, for any violation of laws of the United States, laws of the State of Missouri, ordinances of the City of Olivette, personnel policies of the City of Olivette and/or the General Orders, rules and regulations of the Olivette Police Department. The list that follows is exemplary only and is not intended to be exclusive. Disciplinary action may occur for other deeds or misconduct by the employee as determined by the Chief of Police or City Manager.

1. Absenteeism.
  - a. Excessive unexplained or unexcused absence from work; or
  - b. Tardiness; or
  - c. Leaving the job early, or without permission.
2. Insubordination.
  - a. Refusal to obey an order; or
  - b. Disrespect to supervision; or
  - c. Refusal to perform assigned work.
3. Misconduct.
  - a. Damaging City property; or
  - b. Dishonesty; or
  - c. Dress or grooming; or

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- d. Fighting and using abusive language; or
  - e. Gambling; or
  - f. Horseplay; or
  - g. Drinking, or possession of liquor while on the job; or
  - h. Off-job misconduct; or
  - i. Sleeping on the job; or
  - j. Falsification of records; or
  - k. Unauthorized use of position or authority for personal gain; or
  - l. Illegal drug use or possession of illegal drugs; or
  - m. Criminal acts; or
  - n. Unauthorized use of City property; or
  - o. Making unauthorized long-distance calls; or
  - p. Making or accepting kickbacks; or
  - q. Safety violations; or
  - r. Stealing; or
  - s. Immoral conduct; or
  - t. Misuse or unnecessary expenditure of City funds; or
  - u. Acceptance of gifts, favors, trips or any other items or services of value from any person attempting to do or doing business with any employee or Department of the City.
4. Poor job performance.
- a. Carelessness; or
  - b. Incompetence; or
  - c. Inattention to duties; or

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- d. Failure to perform assigned work in acceptable manner; or
- e. Inefficiency; or
- f. Inability to work effectively with co-workers.

### IV. PROGRESSIVE DISCIPLINE:

A. To assure that all employees are treated fairly in matters of discipline, a progressive disciplinary system has been established. The intent of this procedure is to use the minimum amount of discipline necessary to correct unacceptable behavior. The progressive discipline system is published as a guideline. The City has the authority to determine the appropriate disciplinary actions for any employee infraction, including dismissal. All forms of discipline must be documented and will be placed in the employee's personnel file, as well as being documented in the Guardian Tracking system. The progressive disciplinary guide is as follows:

#### 1. Counseling and/or Training

Minor violations of rules will be explained by the supervisor indicating the corrective steps to be taken for recurring violations.

#### 2. Verbal Warning and Written Reprimands

Counseling will be repeated by the supervisor. A written record of the verbal warning will be made. The employee will be made aware of the nature and extent of a reprimand by receiving a copy of the reprimand. A memo written by the supervisor will indicate but not be limited to:

- a. Date; and
- b. Time and nature of infraction; and
- c. Prior record of similar violations; and
- d. Efforts made by the supervisor to correct the problem.

#### 3. Administrative Leave

The City may grant Administrative Leave with pay to an employee, as a matter of discretion by the City Manager (or his/her designee), when no other paid leave category is available or applicable and leave without pay would not be appropriate. This discretion includes granting Administrative Leave with pay when a disciplinary decision is pending. The City Manager may also authorize Administrative Leave without pay.

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The authorization of Administrative Leave to an employee will be put in writing and forwarded to the Human Resources Manager for proper payroll processing and placement in the employee's personnel file.

### **5. Suspension**

If, in the judgment of the Chief of Police, a more severe form of disciplinary action is warranted, an employee may be suspended. Suspension will be accompanied by written notification to an employee of the nature of the employee's unsatisfactory performance and/or conduct and the period of suspension. Suspension may result in a loss of pay for the duration of the suspension.

### **6. Dismissal**

If, in the judgment of the City Manager as provided by law, it shall be determined that it is in the best interest of the City, an employee may be dismissed from service.

#### **a. Written notification of dismissal shall include:**

1. The effective date of termination;
2. Status of fringe and retirement benefits;
3. The content of the employee's employment record relating to the dismissal;
4. The reporting requirement to the P.O.S.T. Commission as required by Missouri Statute, RSMo. 590.

#### **b. When it is not practicable to give the notice of dismissal to an employee in person, it may be sent to the employee by mail.**

## **V. GRIEVANCE PROCEDURE**

### **DEFINITIONS:**

**GRIEVANCE** – The claimed unjust treatment, violation, misinterpretation or inequitable application of any of the provisions of the rules, regulations and other written directives covering working conditions applicable to the employees of this Department.

**GRIEVED EMPLOYEE** – An employee of this Department. This does not preclude personnel from contacting their supervisors concerning personal grievances.

**IMMEDIATE SUPERVISOR** – The next supervisory person in the chain of command.

**VI. POLICY:**

A. The following areas are not included within the scope of this grievance procedure:

1. Department operations, including orders given, response to such orders and the carrying out of required duties.
2. Individual assignments or transfers (excluding working hours).
3. The pay ranges established for a given class of work and broadly applicable to more than one employee.
4. Policy made by the City Council of Olivette.

B. A grieved employee may submit individual grievances free from restraint, interference, discrimination or reprisal.

**VII. GRIEVANCE PROCEDURE:**

Any employee of the City of Olivette, who has a job-related complaint or who disputes a disciplinary action taken against him/her, or his/her performance evaluation, may choose to seek resolution of the complaint or dispute through the City's grievance procedure.

**VIII. INFORMAL APPROACH:**

An employee who differs with a decision or action of his/her immediate supervisor should make every reasonable attempt to resolve the difference in a friendly and non-confrontational manner.

**IX. FORMAL GRIEVANCE PROCEDURE:**

A. If the informal approach has not resolved the matter to the satisfaction of all concerned, then the formal grievance procedure shall begin. The grievance must be documented in writing by the employee within seven (7) calendar days of the occurrence of the act or decision generating the grievance. The grievance shall include:

1. The name of the aggrieved party;
2. A statement of fact upon which the grievance is based;
3. Identification of all rules and regulations alleged to have been violated or misinterpreted (citing specific sections of the Personnel Rules and Regulations or Departmental Rules and Regulations);
4. The date on which the event(s) first occurred:

5. The date of initial submission of the grievance in writing;
6. Such other information which the aggrieved party deems relevant; and
7. The remedy or relief requested.

B. An employee shall first present his/her grievance to his/her immediate supervisor, who shall make careful inquiry into the facts and circumstances of the complaint. The supervisor shall attempt to resolve the problem promptly and fairly and shall report his/her findings to the employee within five (5) working days.

C. An employee who is dissatisfied with the decision of his/her supervisor may submit his/her grievance, in writing, to the Chief of Police. The Chief of Police shall make a separate investigation and inform the employee, in writing, of his/her decision and the reasons therefore, within five working days after receipt of the employee's grievance.

An aggrieved employee shall have the right to by-pass Steps (B) and (C), as appropriate, if actions of the immediate supervisor and/or the Chief of Police are the subject of the grievance. The Chief of Police may by-pass Step D below if the grievance results from a decision of the City Manager.

D. If the employee is dissatisfied with the decision of the Chief of Police, he/she may obtain a review by the City Manager by submitting a request, in writing, within five working days following receipt of the Chief of Police's decision. The City Manager shall make such investigation and conduct such hearings as he deems necessary. The City Manager shall, within five working days after receipt of the employee's request for review, inform the employee, in writing, of his/her findings and decision.

E. The employee may, within ten working days following receipt of the City Manager's decision, submit in writing to the City Manager a notice of appeal to the Personnel Appeals Board.

F. The Personnel Appeals Board shall schedule a hearing no less than seven (7) days and no more than fourteen (14) days after the filing of the notice of appeal. At the hearing, the employee may be represented by counsel and may present evidence on his/her behalf. The City Manager shall also have the right to be heard. The Personnel Appeals Board shall have the right to require or, upon application of either party to the proceedings, shall require the attendance of any City employee or officer and shall have the right to order the production of any City records relating to the appeal. All testimony presented at the hearing shall be sworn, and rules of evidence shall be followed, as determined by the Personnel Appeals Board. All proceedings before the Board shall be recorded. At the conclusion of the hearing and upon consideration of the evidence before it, the Board shall file a written statement of its findings and determination with the City Manager and the appellant. Copies shall be delivered to each member of the Council. All findings and determinations of the Board shall be made upon the affirmative vote of three members

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and shall be final. Any aggrieved party may petition for review by the St. Louis County Circuit Court pursuant to Sections 536.100 through 536.140 of the Revised Statutes of Missouri.

*This General Order supersedes all prior directives and orders inconsistent therewith.*

BY ORDER OF:

Signature on File

Beth M. Andreski

Chief of Police

Effective Date: 12/5/2009

Revised: 4/7/2014

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Expiration: Indefinite