

	UNIFIED FIRE AUTHORITY ORGANIZATIONAL MANUAL	
	Affiliation: Human Resources Policies	
	Title: Discipline Number: 900 - 440	
	Approved: 05/03/2023	By: Fire Chief Dominic Burchett
	Last Reviewed: 5/03/2023	By: HR Director Kiley Day

REFERENCES:

[UFA Policy and Procedure – Records Management](#)
[UFA Policy and Procedure – General Human Resources Definitions](#)
[UFA Policy and Procedure – Confidentiality of Personnel Records](#)
[UFA Policy and Procedure – Grievances and Appeals](#)
[UFA Policy and Procedure – Professional Standards, Investigations, and Complaints](#)
[Employee Disciplinary Notice](#)

LEADERS INTENT:

In general, Unified Fire Authority's (UFA) progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. In most situations, and depending on the seriousness of the issue, UFA takes the approach of coaching, mentoring, training, and counseling the employee to correct the behavior or deficiency prior to discipline. The ultimate goal of this policy and its procedures is to help employees to be better contributing members of the organization.

POLICY:

1.0 Basis for Disciplinary Action.

- 1.1 Any act, employee behavior, conduct, or performance that is inconsistent with department policy and standards could result in discipline. For example, employees may be disciplined for:
 - 1.1.1 Misconduct (conduct unbecoming an employee);
 - 1.1.2 Incompetence or failure to perform the duties of their employment;
 - 1.1.3 Failure to properly observe;
 - 1.1.3.1 The laws of the State of Utah; or
 - 1.1.3.2 UFA rules, regulations, policies, procedures, or practices.
- 1.2 Examples of specific conduct that would violate this policy include, but are not limited to:

- 1.2.1 Actions that are found to be in conflict with UFA adopted Values.
- 1.2.2 Violating any criminal law, whether on or off duty, which adversely reflects on the employee's ability to perform their job duties.
- 1.2.3 Committing any act or agreeing to any act or course of conduct for the purpose of causing the performance review of any employee to be either unfairly or dishonestly affected.
- 1.2.4 Fighting with, threatening, physically abusing, or causing injury to another employee or member of the public.
- 1.2.5 Failure to respond to an emergency call or call back for duty.
- 1.2.6 Falsification of any documents to be received or used by the UFA, including timecards and UFA reports or computer records.
- 1.2.7 Violating HIPAA Privacy or Security Rules, policies, or practices.
- 1.2.8 Unauthorized personal use or misuse of UFA property.
- 1.2.9 Willful misrepresentation of facts.
- 1.2.10 Improper reporting of location or status.
- 1.2.11 Carrying or displaying a firearm while on duty unless approved by the Fire Chief or designee or permitted by State law.
- 1.2.12 Failure to properly maintain control of, possess, store, or handle a dangerous weapon. An object will be considered a "dangerous weapon" as defined in Utah Code §76-10-501(6) or successor provision.
- 1.2.13 Failure to report for scheduled duty without proper notification.
- 1.2.14 Carelessness or failure to abide by State laws or UFA procedures while driving UFA vehicles.
- 1.2.15 Disregarding safety regulations, policies, or practices.
- 1.2.16 Causing the loss of, stealing, destroying, damaging, vandalizing, or threatening to damage or destroy UFA property or property belonging to another employee or member of the public.
- 1.2.17 Interfering with any UFA operations, whether on or off duty.
- 1.2.18 Any act or omission with the intent to hinder, prevent, delay, or interfere with an investigation, including a refusal to appear for, participate in, or answer questions in an investigative interview.

1.2.19 Discrimination, harassment, sexual harassment, or retaliation.

1.2.20 Engaging in behavior, using language or terminology, or displaying symbols or language while on duty that reflects a discriminatory perception based on race, color, national origin, religion, age, disability, genetic information, gender, gender identity, pregnancy, sexual orientation, marital status, and military or veteran status in violation of applicable Personnel Policies and Procedures and State and Federal laws.

1.2.21 Failure to follow a proper order.

1.2.22 Excessive absenteeism, tardiness, or violation of UFA leave policies.

1.2.23 Insubordination (the act of willfully disobeying one's superior. Refusing to perform an unethical, or illegal activity is not insubordination; neither is refusing to perform an action that is not within the scope of authority of the person issuing the order).

1.3 No policy specifying conduct can anticipate all possible actions of an employee; therefore, any other act or omission contrary to good order, discipline or public service may be the subject of disciplinary action.

2.0 Responsibility and Authority for Disciplinary Actions.

2.1 Any supervisor will have the authority to give minor discipline (documented verbal reprimands, and written reprimands) in accordance with paragraph 4.0 of this policy. If a supervisor believes a major disciplinary action (suspension without pay, demotion, or termination) is appropriate, they will recommend that action, in writing, to their Section Chief, through their chain of command.

2.2 After notifying the Fire Chief or designee, a Section Chief will have the authority to impose a suspension without pay, demote an employee, or separate a non-merit employee. If a Section Chief believes that termination of a merit employee is appropriate, they will recommend that action, in writing, to the Fire Chief, through their chain of command.

2.3 Only the Fire Chief has the authority to terminate a merit employee.

2.4 If a supervisor disagrees with the level of discipline given by a lower-level supervisor in their chain of command, they may rescind that discipline and issue a different form of discipline.

2.5 In determining the appropriate level of discipline for an employee, supervisors will consider all previous discipline administered to an employee.

3.0 Corrective counseling is not part of the disciplinary actions. Corrective counseling is immediate coaching, mentoring, training, and counseling the employee at the employee/supervisor level to correct the behavior or deficiency prior to disciplinary actions as discussed in 4.0,

4.0 Disciplinary Actions.

- 4.1 It is the intent of this policy that department supervisors follow a course of discipline that fairly and consistently addresses employee behavior, conduct, or performance that violates department policy and standards. The usual sequence of disciplinary action is documented verbal reprimand, written reprimand, suspension, demotion, and termination.
- 4.2 In most circumstances, disciplinary actions will be progressive in nature. However, depending on the type and seriousness of the infraction, discipline can start at a higher level, up to and including termination. Some of the factors that will be considered are the nature of the violation; whether the violation is repeated conduct despite coaching, counseling, and training; the employee's work record; and the impact the conduct and performance issues have on the organization. To ensure consistency and fair treatment, the supervisor will consult with the next level of supervision and may also consult with the Human Resource Director or the Administrative Professional Standards Group prior to making a discipline determination.
 - 4.2.1 Documented verbal reprimands will be discussed with the employee and communicated in writing by the issuing supervisor. Copies of the reprimand will be distributed and retained as indicated in paragraph 4.4 of this policy.
 - 4.2.2 Written reprimands will be communicated in writing to the employee by the issuing supervisor. Copies of the reprimand will be distributed and retained as indicated in paragraph 4.4 of this policy.
 - 4.2.3 Suspensions without pay, demotions, terminations, or other disciplinary actions where a merit employee's property interest may be denied will not be issued until after an employee has the opportunity for a pre-disciplinary meeting in accordance with paragraph 5.0 of this policy, unless there are exceptional circumstances as described in paragraph 4.2.3.2 of this policy. Following the pre-disciplinary meeting, a notice of any action will be communicated in writing to the employee in accordance with paragraph 4.3 of this policy. Copies of the written notification will be distributed and retained as indicated in paragraph 4.4 of this policy.
 - 4.2.3.1 Employees may be suspended without pay for up to and including thirty calendar days, or ten scheduled twenty-four-hour shifts, for a single disciplinary episode and for no more than sixty calendar days, or twenty scheduled twenty-four-hour shifts, in a calendar year.
 - 4.2.3.1.1 Employees designated as exempt from the Fair Labor Standards Act (FLSA) may not be suspended for less than one full day.

- 4.2.3.2 A pre-disciplinary meeting is not required when a criminal indictment, information, or warrant has been issued; a plea or verdict of guilty or no contest has been entered; an administrative hearing has been held by another entity or agency regarding the same or substantially similar matter, or there has been another substantially similar substitute to safeguard the employee's procedural due process rights.
 - 4.2.4 Non-merit employees will still receive notice of suspensions without pay, demotions, or separations in writing in accordance with paragraph 4.3 of this policy, but notice of, and participation in, a pre-disciplinary meeting as described in paragraph 5.0 of this policy, is not required.
 - 4.2.5 A disciplinary evaluation period with interim performance evaluations may be a part of the progressive discipline process at any point.
- 4.3 Notice of disciplinary actions of this policy will be communicated in writing to the employee. Written notices consistent with paragraphs 4.2.3 and 4.2.4 will be sent to the employee via the employee's UFA email followed by notification by phone. A copy of UFA Policy and Procedure – Grievances and Appeals will be provided to the employee along with the notice of disciplinary action. Disciplinary actions for documented verbal reprimands, or written reprimands may be documented on the [Employee Disciplinary Notice](#) form or written in a standard letter as described below.

The written notice should include:

 - 4.3.1 Notification that the letter or notice is a disciplinary action;
 - 4.3.2 A description of the disciplinary action being taken and, if applicable, the date(s) the action is effective;
 - 4.3.3 The date, time, place, and type of violation or behavior being disciplined for (*i.e.*, misconduct, incompetence, or failure to perform duties of employment, failure to properly observe rules of the office or department, etc.);
 - 4.3.4 If applicable, a description of any previous disciplinary action; and
 - 4.3.5 If applicable, the actions necessary to correct the behavior and the probable consequences of not correcting the behavior.
- 4.4 A copy of the notice of disciplinary action will be placed in the employee's official personnel file and maintained in accordance with Utah Government Records Access and Management Act. A copy will be given to the employee.
 - 4.4.1 Copies of disciplinary action(s) will be maintained as part of the employee's personnel file.

4.4.2 Documents from the employee's personnel file may be reviewed as part of a promotional or assignment process. A disciplinary action in an employee's personnel file does not exclude the employee from being promoted or assigned but is simply part of the process. In accordance with UFA Policy and Procedure, Confidentiality of Personnel Records, evaluators in a promotional or assignment process will not be granted full access to the candidates' personnel files. Instead, the Human Resource Director or authorized designee will provide applicable documents, including disciplinary records, to the rating board.

4.4.2.1 Minor discipline older than two (2) years or major discipline older than five (5) years, from the date of the deadline to apply for a promotional process, will be excluded from the review procedure for promotion.

4.5 UFA may deviate at its discretion from the usual sequence depending on the severity and circumstances of the action(s) to be disciplined. For example, an employee may be terminated for a single offense, without undergoing progressive discipline, if the severity of the circumstances justifies the action.

4.6 In the case of a major disciplinary action, the Section Chief or designee may place an employee in a leave-with-pay status during the time between when the notice is sent and the proposed effective date of the disciplinary action or during the time that an investigation into wrongdoing is being conducted.

4.6.1 An employee placed in an Administrative Leave-With-Pay status will be in accordance with UFA Policy and Procedure - Administrative Leave With or Without Pay.

5.0 Pre-Disciplinary Meeting.

5.1 Suspensions without pay, demotions, dismissals, or other disciplinary actions where a merit employee's property interest may be denied will not be issued until after an employee has had the opportunity for a pre-disciplinary meeting unless there are exceptional circumstances as described in paragraph 4.2.3.2 of this policy.

5.1.1. Written notice of the pre-disciplinary meeting will be communicated to the employee in writing. The notice will be sent to the employee via the employee's UFA email followed by notification by phone. The written notice will include a description of the violation or behavior for which discipline is being considered as well as the disciplinary action that is being recommended. The notice will also inform the employee that they have the right to review the materials being relied upon for the recommended action.

5.1.2 The pre-disciplinary meeting will be set for no later than fifteen calendar days after the notice is given.

- 5.1.3 The pre-disciplinary meeting will be held between the employee and the Section Chief (or the Fire Chief or designee in the case of a dismissal). The employee may, in writing, waive the right to a pre-disciplinary meeting or present their argument in writing and forego the in-person meeting.
 - 5.1.4 The purpose of the pre-disciplinary meeting is not to definitively and finally resolve the propriety of the disciplinary action, but to allow the employee an opportunity to present their version of the incident.
 - 5.1.5 Pre-disciplinary meetings are non-adversarial in nature. The employee may appear with a representative. Witnesses will not be called. However, the parties may informally present witness statements either in writing or verbally. A tape recording of the meeting will be made and kept until all formal appeal proceedings are completed.
 - 5.1.6 Within fifteen calendar days after the meeting, the Section Chief, or the Fire Chief or designee in the case of a dismissal, will either issue appropriate discipline in accordance with paragraph 4.0 of this policy or send the employee written notification that no disciplinary action will be forthcoming.
 - 5.1.7 Any time limits established in this procedure may be waived or amended by mutual written agreement of the parties.
- 6.0 Merit employees may file a grievance, or an appeal, related to disciplinary actions in accordance with UFA Policy and Procedure – Grievances and Appeals.

Replaces policy dated November 10, 2022