

	<h1 style="text-align: center;">Lawnside Police Department</h1>		Effective Date: 09-05-2016	
			Number:	
		Title: Discipline		
Issuing Authority:		Director Edwin J. Figueroa		Eval. Date:
Revision Date	Page Numbers 4	Sections	Approved	

POLICY & PROCEDURES:

I

POLICY: It is the policy of the Lawnside Police Department to establish standards for members' conduct, behavior, and work productivity. Deviations from these standards will be handled in a fair and non-discriminatory manner. Members shall be made aware of these standards and the disciplinary process up to and including termination.

II

PURPOSE: The purpose of this policy is to provide additional guidelines relating to discipline, supplementing those established by the department's rules and regulations. This policy establishes procedures which are designed to correct undesired conduct, behavior or productivity problems. Disciplinary action is designed to correct improper performance once it is shown the employee knew, or should have known, what was expected and was capable of performing properly but failed to do so. Discipline is particularly appropriate when other, lesser corrective actions, such as supervisory consulting or formal counseling have been tried but have failed to bring about effective and lasting results.

PROCEDURES:

III

GENERAL REQUIREMENTS: The department will use progressive disciplinary action to bring about change once it is shown that an employee knew, or should have known, that such conduct, behavior, or work productivity failed to comply with established directives or standards. Progressive discipline will be utilized to address deficiencies in conduct resulting from an employee's lack of skills or abilities only when it is expected that a typical employee should possess that skill or ability. This ensures that fair enforcement decisions will be made in the use of disciplinary or termination decisions.

A. **EQUITY AND EQUALITY:** Fair enforcement incorporates the concepts of equality and equity.

1. **Equality:** Equality means that the department will not discriminate against members and will treat them equally when making decisions about the appropriate type of intervention to use in correcting a performance deficiency. Solutions may include training, discipline, remedial training, reassignment, demotion or termination. Whatever the administrative action, its amount and degree must be based upon equity.
2. **Equity:** Equity means that management reviews each members performance deficiency and considers the following circumstances to help determine the amount and degree of administrative action:
 - a. The seriousness of the deficiency or offense.
 - b. Management's expectation that the type and level of administrative action will facilitate or deter the conduct, work proficiencies or behaviors of others.
 - c. The member's overall conduct, work productivity, time between other violations (if other offenses occurred) and the behavior record.
 - d. Management's expectation, based upon the member's overt behavior, that the type and level of administrative action will improve the member's future performance. In other words, does the employee respond positively to discipline.
 - e. The member's years of service.

IV.

EMPLOYEE CULPABILITY: Employee culpability is an important element in the decision to use disciplinary action. Culpability means the employee violated the directive either knowingly, purposefully, recklessly, negligently or without due regard for the explicit and connotative (intended) meanings of official directives. Performance deficiencies caused by employee culpability shows a lack of regard for the department's mission as well as for management priorities. Therefore, they are treated as a more serious problem than are errors due to ignorance or lack of ability.

A. **SHOULD HAVE KNOWN:** This policy places a high level of responsibility on members to know the type of conduct, behavior or performance that can result in disciplinary action or termination. To successfully defend against the "should have known" standard this policy places on members, members must be able to produce substantial evidence that the

typical employee could not have known that such conduct, behavior or performance could lead to disciplinary action or termination.

- B. MEMBERS LACK OF BASIC SKILLS, ABILITIES OR FITNESS: Progressive discipline is not appropriate when, after regular training or testing, an employee lacks the basic skills, abilities, or fitness to perform properly. In these cases the employee may not be culpable, but fails to display the necessary competencies to hold the current job position and termination should be pursued.

V.

PROGRESSIVE DISCIPLINE: When discipline is deemed appropriate, it shall be the policy of the department to use a progressive system, when practicable. Furthermore, discipline shall be for cause and shall follow the basic concepts of due process as established elsewhere by administrative procedures. Not every supervisory interaction or intervention with an employee is to be construed as discipline.

A. COUNSELING:

1. Criteria: Counseling is indicated where personal actions or job performance are in direct conflict with basic police practice, agency policy and procedures, or agency rules and regulations.
2. Procedures: Minor infractions may be handled by one on one individual counseling. This means taking the employee aside and discussing the problem, candidly and openly. These actions may or may not be formally documented, at the supervisor's discretion. Facts to be considered in making these decisions will include but will not be limited to the member's intentions to do well, the member's appreciation of the supervisory consulting and the member's immediate action to correct the problem. More serious infractions may indicate the need for a stronger response, in place of, or in addition to, counseling.
3. Special Requirements: At times, personal problems may interfere with an employee's ability to perform normally. When the results are not serious enough for discipline but call for a more formal type of supervision than consulting with the employee, professional counseling may be the proper tool to help the employee. When this is indicated, the employee's supervisor shall recommend to the employee that he/she seek professional counseling either privately or through any services which may be offered through the municipality. Personal problems of a serious nature are to be brought to the attention of the employee's supervisor, who will inform the Director of Public Safety and may recommend in writing that professional counseling be ordered.

B. TRAINING:

1. Criteria: All officers with supervisory responsibilities have an obligation to observe the conduct and appearance of officers and employees and detect those instances when corrective action (training) may be necessary.
2. Procedures:
 - a. Verbal Instruction: The Supervisory Officer may, depending on the circumstances, provide individual on the spot training where such is indicated.

- b. Peer Training: The Supervisor may assign the officer to another officer with experience in the area where training is indicated for peer training.
- c. In-Service Training: The Supervisor may refer the officer to his/her Director of Public Safety for selection to an in-service training program.

C. PERFORMANCE NOTICE Performance notices may be issued to employees by supervisors subject to approval by the Director of Public Safety. Performance notices are written records, and they are intended to be the least intrusive form of written discipline.

D. PUNITIVE ACTION: Punitive disciplinary actions include oral and written reprimands, suspension, demotion, and in certain situations, termination. Such actions are taken when an employee's performance deficiency is repeated despite prior corrective action, or when a violation is serious and significant enough to require punitive action. Depending upon the seriousness of the violation, punitive disciplinary action may not always be based upon the progressive disciplinary process. It may be necessary to utilize punitive disciplinary action with the first occurrence of an act or behavior. Employee culpability and employee "should have known" factors are taken into consideration when punitive action is to be considered, as outlined within this policy.

IV.

TERMINATION: It is the agency's policy to terminate employees under the following circumstances:

- A. Economic work force reductions beyond the control of the agency.
- B. An employee fails to demonstrate a willingness or ability to improve conduct, behavior, or performance deficiencies.
- C. Deficiencies of a serious nature that result in a reduction in the department's credibility or ability to do business in an efficient manner
- D. Failing to terminate would create an unreasonable risk of negligently retaining an employee who has failed to display the necessary competencies for the job position.