

PURPOSE

This procedure establishes guidelines for the Assistant Chief, Battalion Chief, Sector Captains and Company Officers in the deliberation and imposition of discipline in Class I Complaints, Class II Complaints, and other types of misconduct as needed. Elements of this procedure are referenced and explained further in SOP 372.10, Professional Standards Investigations.

SCOPE

This policy defines types of complaints and outlines the duties and responsibilities of supervisors. This SOP is meant as procedural guideline, and is subject to adjustment as determined by the Fire Chief.

DEFINITIONS

- Misconduct – Conviction of a criminal offense, or violation of federal law, state law, City Ordinance, the City Charter, the City Code or City Personnel Policy Manual, or violation of the Standards of Conduct, rules, regulations, and general or specific orders of the Department.
- Class I Complaint – Allegations of Criminal Conduct. Typically, in these cases, a formal Personnel Complaint is issued and is followed by a Professional Standards Unit (PSU) investigation. Class I complaints can take more time to fully investigate and resolve, and generally result in a higher level of discipline if charges are sustained.
- Class II Complaint – Allegations of violation of Fire Department, City Policy or Civil Law. Typically, a Class II complaint involves an informal investigation, and is resolved by the affected employee's first-line supervisor. While these complaints do not require a Professional Standards Unit investigation, in order to maintain departmental consistency, consulting with Human Resources is advised.

DISCIPLINARY PROCESS

The following provides a guideline for assigning decision-making responsibility and administration of disciplinary options:

- Immediate Supervisor and Sector Captain – Training, Counseling, Oral Reprimand and Written Reprimand.
- Shift Commander/Battalion Chief – Training, Counseling, Oral Reprimand, Written Reprimand and Suspension.
- Assistant Chief – Written Reprimand, Suspension, Demotion and Termination.

RESPONSIBILITIES

Fire Prevention Administrator

1. Command of the Professional Standards Unit (PSU).
2. Coordinate, supervise, and conduct all PSU investigations.

Assigned Investigator

1. Report directly to Fire Prevention Administrator.
2. Conduct investigations, prepare all reports and documentation.
3. Forward the PSU investigation report to the City Attorney's Office and Human Resources for review.

4. Submit the PSU investigation report to the initiating supervisor within 30 business days (90 calendar days for shift personnel) unless special circumstances preclude this requirement. All reports are deemed confidential attorney work products, and are not to be disclosed except by expressed waiver or court order.
5. Under no circumstances will the Professional Standards Unit make or offer a formal recommendation as to the level of discipline to be imposed.

Discipline Records Custodian

The Discipline Records Custodian is responsible for the following:

1. File maintenance and security.
2. Provide individual discipline history and/or relevant Department discipline history.
3. Coordinate meeting schedules as needed for the Assistant Chief, Battalion Chief, Company Officer(s), Assistant City Attorney and Human Resources Consultant.
4. Develop drafts of discipline documents.
5. Under no circumstances will the Discipline Records Custodian make or offer a formal recommendation as to the level of discipline to be imposed.

Discipline records, written reprimands through termination, are stored within the employee's permanent record in Human Resources for the duration of employment. Counseling Forms are retained for a period of 36 months on file at the Shift Commander's office. Battalion Chiefs will record the issuance of the Counseling Form on the Counseling Form log. Shift Commanders will confirm the information has been logged on the spreadsheet. This provides the Discipline Records Custodian a record of counseling form history.

Assistant City Attorney and Human Resources Consultant

1. Meet with Assistant Chief, Battalion Chief and Company Officer(s), providing consultation and advice on consistency of application of City policy.
2. Under no circumstances will the Assistant City Attorney or Human Resources Consultant make or offer a formal recommendation as to the level of discipline to be imposed.

Assistant Chief, Battalion Chief, Sector Captain and Company Officer(s) – Class I Complaints

1. Upon notification of an allegation of employee misconduct, contact the Assistant Chief responsible, then the Fire Prevention Administrator to initiate a PSU investigation. An Assistant Chief will initiate a Personnel Complaint if a Battalion Chief is involved, otherwise if approved by an Assistant Chief, a Battalion Chief may sign a Personnel Complaint form as the complainant. The Personnel Complaint form is typically served by the investigator.
2. Consult with the Assistant Chief, and the Medical Operations Chief as to the relevance of charges to the Texas Commission of Fire Protection standards, Texas Department of State Health Services standards and Criminal Justice Information System (CJIS) Access Policy. Notify these certifying agencies when appropriate.
3. Upon receipt of the PSU investigation report, conduct a confidential review of the PSU investigation report with the appropriate persons in the Chain of Command.
4. Obtain a discipline history summary of similar charges from the Discipline Records Custodian. Review charges and specifications of select cases for an understanding of the range of discipline.
5. Conduct a review of employee work history, including but not limited to performance evaluations and discipline history.
6. Develop a preliminary range of proposed discipline. For criminal charges see "Disciplinary Actions for Criminal Charges" in this SOP.
7. Battalion Chief, Sector Captain and Company Officer(s) will meet with the employee to determine if the employee has information to offer that bears on the complaint disposition or proposed discipline.
8. Meet with the Assistant Chief, Assistant City Attorney and Human Resources Consultant for advice on the consistency of application of City policy.
9. As appropriate, an Assistant Chief, Battalion Chief, Sector Captain and/or Company Officer(s) will determine the level of discipline.

10. Notify the Discipline Records Custodian of the level of discipline for the development of the recommended disposition memo to the Assistant Chiefs (Executive Review Board).
11. After Executive review and approval, contact the Discipline Records Custodian for assistance with the development of discipline documents.
12. Collaborate with Human Resources and Legal regarding modifications and/or edits, then approve final version of the discipline documents.
13. If the misconduct involves the operation of Department vehicles, communicate the finalized level of discipline to the Health & Safety Captain for inclusion in the Vehicle Accident Database.

DISCIPLINARY ACTIONS FOR CRIMINAL OFFENSES:

Arrest and Convictions are considered as separate offenses and may result in separate disciplinary actions. Deferred Adjudications are considered as a conviction.

The following consequences will be implemented for violations of law by Arlington Fire Department members:

1. Arrest for a criminal offense:
 - Conduct leading to an arrest may result in discipline up to termination.
2. Conviction or Deferred Adjudication sentence for a criminal offense:
 - Criminal Conviction or Deferred Adjudication causing an employee's CJIS access to be suspended or revoked will result in termination. (The types of convictions that will lead to an employee's access being suspended or revoked includes: but is not limited to, Felony convictions or deferred adjudication; Class A or Class B Misdemeanor convictions or deferred adjudications, and Family Violence Convictions. See attached TEXAS CJIS SYSTEMS ACCESS POLICY.)
 - Class C Misdemeanor Convictions or Deferred Adjudications where the employee retains CJIS access – Dependent on type of conduct related to conviction may result in discipline up to termination.

Attached: CJIS Access Policy

Assistant Chief, Battalion Chief, Sector Captain and Company Officer(s) – Class II Complaints

1. Gather information, develop supervisor's investigative report.
2. Obtain a discipline history summary of similar charges from the Discipline Records Custodian.
3. Review the charges and specifications of select cases for an understanding of the range of discipline.
4. Conduct a review of employee work history, including but not limited to performance evaluations and discipline history.
5. Develop a preliminary range of proposed discipline.
6. As appropriate, an Assistant Chief, Battalion Chief, Sector Captain, and Company Officer(s) will meet with the employee to determine if the employee has information to offer that bears on the complaint disposition or proposed discipline.
7. Meet with the Assistant Chief(s) as needed.
8. Determine the level of discipline or follow up action. Contact the Discipline Records Custodian for assistance with the development of discipline documents.
9. For Written Reprimands (and higher level disciplines) collaborate with Human Resources and Legal regarding modifications and/or edits, then approve final version of the discipline documents.
10. If the misconduct involves the operation of Department vehicles, communicate the finalized level of discipline to the Health & Safety Captain for inclusion in the Vehicle Accident Database.