

California Fire & Rescue Training Authority

POLICY HANDBOOK

POLICY TITLE: Disciplinary Procedure **Issue Date:** 10/16/2020
POLICY NUMBER: 2180 **Revised:**

repeated offense or a pattern of misconduct, however, a verbal warning need not precede a counseling memo. An employee may submit a rebuttal to a counseling memo within thirty (30) days of receipt of the memo. A counseling memo shall be retained with the Authority's Executive Director for a period of twelve (12) months and will not become a part of the employee's personnel file unless attached to a final disciplinary action.

2180.4.2 Adverse Action

Adverse action is formal discipline of an employee and it includes a written reprimand, suspension, pay reduction, demotion, disciplinary transfer, and termination. Each level of discipline is defined below:

2180.4.2.1 Written Reprimand: Formally documented written letter of discipline to be retained in a personnel file for a period of twelve (12) months.

2180.4.2.2 Suspension: When lesser forms of discipline have not corrected an employee's behavior, and/or when an occurrence is severe enough to warrant it, a suspension may be issued.

2180.4.2.3 Pay Reduction/Denial of Pay Increase: As a form of discipline, an employee's pay may be reduced by a set amount (5%, 10%, etc.).

2180.4.2.4 Demotion: A change in job classification to a lower rank, salary, or salary range.

2180.4.2.5 Transfer for Purposes of Discipline: When appropriate, an employee may be transferred to a different position, or a different working location on a temporary or permanent basis.

2180.4.2.6 Termination: The involuntary dismissal of an employee's employment. When lesser forms of discipline have not corrected an employee's conduct, or when an occurrence is serious enough to so warrant, the employee may be terminated. The Executive Director shall ensure the termination process is completed and all procedural due process rights are followed, including all applicable state and federal laws.

2180.4.3 Notice of Proposed Discipline: An employee will be notified in writing of any disciplinary action to be imposed prior to the action being executed. Employees will have an opportunity to rebut the disciplinary action within seven (7) calendar days of receipt of the Notice of Proposed Discipline.

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- 2180.8.6.2 Incompetence
- 2180.8.6.3 Inefficiency
- 2180.8.6.4 Inexcusable neglect of duty
- 2180.8.6.5 Insubordination, during hours or off duty, related to employment
- 2180.8.6.6 Dishonesty
- 2180.8.6.7 Intoxication or being under the influence of drugs or alcohol while on duty
- 2180.8.6.8 Manufacture, possession, sale or use of controlled substances
- 2180.8.6.9 Inexcusable absence without leave
- 2180.8.6.10 Conviction of a felony or a misdemeanor involving moral turpitude
- 2180.8.6.11 Inexcusable discourteous treatment of other Authority officers or employees, Authority students, or the public while on duty, or while off duty and identified as an Authority employee
- 2180.8.6.12 Illegal political activity
- 2180.8.6.13 Willful violations of any Authority policies or rules
- 2180.8.6.14 Willful disobedience to an order or direction
- 2180.8.6.15 Failure of good behavior during or outside duty hours that may cause discredit to the Authority
- 2180.8.6.16 Physical altercation
- 2180.8.6.17 Theft
- 2180.8.6.18 Willful misrepresentation of the Authority
- 2180.8.6.19 Refusal or inability to perform assigned duties within the scope of the classification assignment, which results in performance lower than that which is typically required of a similar employee in a similar position.

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- 2180.8.6.20** Any act or conduct that is discriminatory towards another person's race, color, national origin, age (over 40), sex (including pregnancy, childbirth, and related medical conditions), religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, sexual orientation, veteran and/or military status, protected medical leaves (including leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, or other status protected by state or federal law.
- 2180.8.6.21** Intentional, reckless or negligent conduct that violates the operating policies/procedures or applicable laws/regulations
- 2180.8.6.22** Failure to correct behavior for which an individual was subject to prior disciplinary action
- 2180.9** Punishment for serious violations may subject an individual to immediate termination. Should the Authority, in its discretion, determine that the conduct of the employee is sufficiently severe to warrant immediate termination, the Authority may suspend the employee with pay, pending resolution of the notice of proposed disciplinary action.
- 2180.10** An individual whose conduct otherwise would justify termination may, at the sole discretion of the Governing Council, have lesser discipline imposed as a result of voluntary disclosure of the violation and/or full and complete cooperation during any investigation.
- 2180.11** In determining the severity of corrective actions to be applied for misconduct, the Supervisor should investigate and consider the following criteria:
- 2180.11.1** Nature and seriousness of the misconduct, including actual or potential impact upon Authority operations and service
- 2180.11.2** If two offenses are involved in the same occurrence (for example-sleeping on the job due to reporting to work under the influence of alcohol) the separate facts should be considered and reflected in the severity of the corrective action;
- 2180.11.3** Overall work record;
- 2180.11.4** Length of employment with the Authority;

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- 2180.11.5 Corrective action record, including time that has elapsed since any past misconduct;
- 2180.11.6 Effective communication of Authority policies;
- 2180.11.7 Consistency and uniformity in the enforcement of standards;
- 2180.11.8 Extenuating or mitigating circumstances related to the work setting or to the employee's personal affairs;
- 2180.11.9 Reliance on circumstantial, hearsay or unsubstantiated evidence; and
- 2180.11.10 Efforts made by the employee to correct unacceptable conduct.

2180.12 Once a decision is made regarding the appropriate discipline, a Notice of Proposed Discipline shall be provided in writing to the employee by an Administrative Officer, the Executive Director, or the Chairperson of the Governing Council and shall include the following:

- 2180.12.1 A statement of the nature of the proposed disciplinary action and any documents used to support the decision;
- 2180.12.2 The effective date of the proposed action;
- 2180.12.3 A statement of the reasons for the proposed action; and
- 2180.12.4 A statement advising the employee of the time and place at which and person to whom he or she may respond to the Notice of Proposed Discipline. The person who receives the employee's response is known as the Skelly Officer.

2180.13 In taking disciplinary action, the Supervisor should:

- 2180.13.1 Explain the reasons for issuance of this disciplinary action;
- 2180.13.2 Explain the terms of the discipline;
- 2180.13.3 Provide counseling on corrective action;
- 2180.13.4 Advise employee of the consequences of continued infraction;
- 2180.13.5 Explain the avenues open to the employee to dispute the discipline (through the Skelly process);
- 2180.13.6 Provide a copy of the discipline documentation to the employee and forward the original to the Executive Director to be placed in the employee's personnel file.

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2180.14 In the event the employee presents evidence which results in the withdrawal of the Notice of Proposed Disciplinary Action, all references to said notice shall be removed from the employee's personnel file.

2180.15 A final disciplinary action will be placed in an employee's personnel file.