

CORRECTIVE ACTION/DISCIPLINARY PROCESS

Purpose:

To promote safe, harmonious, and efficient operations.

Scope:

This policy applies to all members of the district. However, the progressive discipline process may not be afforded to probationary members. In addition, the progressive process may not be utilized in instances of severe breaches of conduct or policy.

Policy:

It is the policy of the district to provide a work environment which promotes continuity of employment and minimizes involuntary terminations. However, there are times when performance and/or conduct may require some form of corrective action. This policy and process shall be conducted in accordance with KRS 75.

Initial Disciplinary Action of a Member:

- A. Often, the initial step in the corrective action process will be a *Verbal Discussion* between the member and the supervisor. This discussion should provide the member with an understanding of the problem, permit the member to provide input or a response to the concerns raised, and set forth a course of action to achieve satisfactory performance or conduct. The supervisor should document the conversation for his/her own record.
- B. Another step in the process may be the issuance of a *Verbal Reprimand*, documented on a *Disciplinary Action* form, describing the problem or incident, and summarizing the course of action taken, as well as the potential for further action. This form is to be signed by the employee and the supervisor, and placed in the individual's personnel file. The employee may respond verbally or in writing within a reasonable period of time, and any such response will be placed with the *Disciplinary Action* form. If the employee responds verbally, the supervisor shall summarize the employee's response and place the summary with the *Disciplinary Action* form.
- C. Further or more severe problems may be addressed via an *Official Written Reprimand*, documented on a *Disciplinary Action* form, describing the nature of the problem, any previous or related conversations or actions, as well as the behavior needed to correct the problem. All *Official Written Reprimands* should be discussed between the supervisor and the Assistant

Chief of Operations, as appropriate, prior to administration. This form is to be signed by the member and supervisor, forwarded to the Assistant Chief of Operations for a signature and placed in the individual's personnel file. The member shall be given the opportunity to address the concerns with the supervisor filing the *Disciplinary Action* form, either verbally or in writing, prior to the completion of the form. Any written response prepared by the employee shall be attached to the form, and any verbal response shall be summarized in writing by the supervisor and attached to the form.

- D. Except as provided above, no member shall be reprimanded, dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination, or violation of law or of the policies and guidelines adopted by the Board of Trustees of the district, and only after charges are preferred and a hearing conducted as provided in this section.

Disciplinary Guidelines to be taken by the District:

- A. Any person may file charges against a member by filing them with the secretary of the Board of Trustees and by delivering or mailing the charges to the headquarters fire station of the district. The secretary shall immediately communicate the charges to the Board of Trustees by mailing or delivering a copy of the charges to each member of the Board of Trustees within seven days of receipt of the charges. The chairperson of the Board of Trustees shall, after conducting or having conducted any inquiry or investigation which may be necessary, determine if probable cause appears. The chairperson shall prefer charges to the Board of Trustees against any member whom probable cause exists, or conduct justifying the dismissal or punishment of the member. If probable cause does not exist, the chairperson shall dismiss the charges. All charges shall be written and shall set out clearly the charges made. The person filing the charges may withdraw them at any time prior to the conclusion of the hearing. The charges may then be dismissed.
- B. Charges preferred by the chairperson of the Board of Trustees shall be heard by either the full board or a committee consisting of at least three members of the Board of Trustees appointed by the chairperson. At the hearing all charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues presented. Within 45 days after the charges have been preferred by the chairperson to the Board of Trustees, that body, or a committee consisting of at least three members to the Board of Trustees appointed by the chairperson, shall proceed to hear the charges. At least ten days before the hearing the member accused shall be served personally or by registered mail with a copy of the charges and a statement of the day, place, and hour at which the hearing of the charges will begin. The person accused may, in writing, waive the service of charges and demand trial within 30 days after the charges are preferred to the Board of Trustees.

- C. The Board of Trustees of the district may summon and compel attendance of witnesses at hearings by subpoena issued by the secretary of that body and served upon the witnesses at hearings by subpoena issued by the secretary of that body and served upon the witnesses by any officer authorized to serve court subpoenas. If any witness fails to appear in response to a summons, or refuses to testify concerning any matter on which he/she may lawfully be interrogated, any District Judge, on application of the Board of Trustees, may compel obedience by proceeding for contempt as in the case of disobedience of a subpoena issued from the District Court. The member accused may have subpoenaed any witnesses he/she may desire, upon furnishing their names to the secretary of the Board of Trustees. The written records of the charges, the hearing, if held, and any other actions or decisions of the Board of Trustees on the charges shall be kept as an open public record and maintained as required by KRS Chapter 61.
- D. When the Board of Trustees or the Chief has probable cause to believe a member has been guilty or conduct justifying dismissal or punishment, the Board of Trustees or the Chief may suspend the member from duty or from both pay and duty, pending trial, and the member shall not be placed on duty, or allowed pay, until the charges are heard. If the member is suspended, there shall be no continuances granted without the consent of the member accused. If the member suspended is a career member or an employee, the hearing on the charges shall be conducted within 14 days after the charges have been preferred by the chairperson of the Board of Trustees.
- E. The Board of Trustees shall fix the punishment of a member of the district found guilty, by a reprimand, suspension for any length of time not to exceed six months, by reducing the grade if the accused is an officer, or by combining any two or more of those punishments, or by dismissal as a member of the district.

Appeals of Disciplinary Actions:

- A. Any member found guilty by the Board of Trustees of the district of any charge, as provided by KRS 75.130, may appeal to the Circuit Court of the county in which the district is located, but the enforcement of the judgment of the district shall not be suspended pending appeal. The notice of the appeal shall be filed not later than 30 days after the date of the Board of Trustees of the district makes its determination on the charge.
- B. Upon request of the accused, the secretary of the Board of Trustees of the district shall file a certified copy of the charges and the judgment of the Board of Trustees in the Circuit Court. Upon the transcript being filed, the case shall be docketed in the Circuit Court and tried as an original action.
- C. If the secretary of the Board of Trustees fails to certify the transcript to the Circuit Court within 30 days after the request is made, the party aggrieved may file an affidavit in the Circuit Court setting out as fully as possible the

charges made, the time of the hearing, and the judgment of the Board of Trustees, together with a statement that demand for transcript was made upon the secretary of the Board of Trustees more than 30 days before the filing of the affidavit. Upon the filing of the affidavit in the Circuit Court, the case shall be docketed and the Circuit Court may compel the filing of the transcript by the secretary of the Board of Trustees by entering the proper mandatory order, and by fine and imprisonment for contempt. The appeal shall have precedence over other business, and be determined speedily.

- D. An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases.

Disciplinary Action Form