

# GENERAL ORDER

## PORT WASHINGTON POLICE DEPARTMENT

<b>SUBJECT:</b>	<b>DISCIPLINARY PROCEDURES</b>	<b>NUMBER:</b>	4.2.2
		<b>ISSUED:</b>	7/29/09
<b>SCOPE:</b>	All Police Personnel	<b>EFFECTIVE:</b>	7/29/09
<b>DISTRIBUTION:</b>	General Orders Manual	<input type="checkbox"/> <b>RESCINDS</b>	
		<input type="checkbox"/> <b>AMENDS</b>	
<b>REFERENCE:</b>		WILEAG 3 <sup>RD</sup> EDITION STANDARDS: 4.2.1, 4.2.2, 4.2.3, 4.2.4	

**INDEX AS:** Counseling  
Disciplinary System

**PURPOSE:** The purpose of this Order is to establish a disciplinary system to include procedures and criteria for the use of counseling and disciplinary actions in the interest of maintaining department order and citizen trust. Levels of discipline include counseling, verbal reprimand, written reprimand, suspension, demotion, and dismissal.

This Order consists of the following numbered sections:

- I. PRINCIPLES OF DISCIPLINE
  - II. COUNSELING AS A FUNCTION OF DISCIPLINE
  - II. LEVELS OF DISCIPLINE
  - III. AUTHORITY TO USE DISCIPLINE
  - IV. APPEAL PROCEDURES
  - V. LIEUTENANTS RESPONSIBILITY
  - VI. COMMAND STAFF RESPONSIBILITY
- I. PRINCIPLES OF DISCIPLINE
- A. Discipline is the process by which the department ensures that each employee's conduct conforms to the standards of decorum and performance set by the department. In the Port Washington Police Department these standards are generally set forth in this General Order as well as in General Orders covering policy and procedure. Standards may also be set by Special Order, Standard Operating Procedure, and memorandum.

- B. Discipline can take two forms of action:
  - 1. Positive Action - When a violation occurs and a supervisor attempts to deal with the employee's misconduct through encouragement and persuasion, such as counseling and/or training.
  - 2. Discipline - This is punishment of the employee for misconduct and can include an oral or written reprimand, suspension, demotion, or discharge.
- C. When carrying out the process of discipline, the following principles of "just cause" must be adhered to:
  - 1. Whether the employee could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct;
  - 2. Whether the rule or order that the employee allegedly violated is reasonable;
  - 3. Whether before filing the charge against the employee, the supervisor made a reasonable effort to discover whether the employee did in fact violate a rule or order;
  - 4. Whether the effort described under sub. (3) was fair and objective;
  - 5. Whether the supervisor discovered substantial evidence that the employee violated the rule or order as described in the charges filed against the employee;
  - 6. Whether the supervisor is applying the rule or order fairly and without discrimination against the employee; and
  - 7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the employee's record of service with the Department.
- D. Supervisors will not reprimand subordinates in the presence of others of subordinate rank, civilian employees, or the public. This rule does not preclude a supervisor from immediately correcting the performance of a subordinate whenever it is necessary.
- E. Supervisors shall recognize the rights of employees and employ procedural safeguards towards an employee requiring discipline.

## II. COUNSELING AS A FUNCTION OF DISCIPLINE

- A. The use of the counseling function within the disciplinary system is intended to provide the supervisor with an opportunity to bring noted deficiencies to the employee's attention,

- B. The supervisor should employ the counseling function to firmly advise the employee of the need to improve their performance, work habits, behavior or attitude,
- C. The counseling of the employee should serve as a firm warning to the employee against further repetition of the conduct in question,
- D. Supervisors should use the occasion to identify and define the area(s) needing improvement and inform the employee as to how much improvement is expected to be realistically achieved:
  - 1. If the counseling efforts of the employee's supervisor fail to bring about a remedy to the perceived problem, and the employee's unsatisfactory performance continues, one of the following steps may need to be considered:
    - a) Remedial training;
    - b) Punitive action; or if appropriate;
    - c) A referral to outside counselors, as appropriate.
  - 2. Supervisors will, in all cases, document all employee counseling sessions, including the results.
  - 3. Counseling sessions will be documented by written memorandum to the employee, with a copy to the employee's personnel file.
  - 4. Any documentation will indicate the details of performance that required the counseling, the intended purpose of the counseling, and the supervisor's observation of any effect that the counseling may have had on the employee.

### III. LEVELS OF DISCIPLINE

- A. The level of discipline taken in any instance shall be determined by the seriousness of the misconduct and by the extent of wrongdoing or injury to any person. It shall also be commensurate with the circumstances surrounding the total incident and the employee's service record, including prior sustained instances of misconduct. When an employee's misconduct is similar or identical to previous cases of his or her misconduct, the level of discipline shall be more severe than the previous offense.
- B. The three levels of disciplinary action are as follows:
  - 1. Minor Infraction

- a) A minor infraction is defined as a minor violation of rules, policies, or procedures, which will not discredit the department or employee.
- b) A minor infraction shall be handled by any supervisor with counseling and/or training; or by discipline through an oral reprimand, or by the Chief of Police or Captain with a written reprimand.

## 2. Serious Infraction

- a) A serious infraction is defined as a violation of rules, policies, or procedures, which might discredit the department or one of its employees. A record of minor infractions shall be handled at this level also.
- b) A serious infraction shall be handled by the Chief of Police or Captain; and discipline shall range from a reprimand up to a suspension and/or demotion.

## 3. Major Infraction

- a) A major infraction is defined as a violation of rules, policies, or procedures, which discredits the department, threatens the department's integrity, adversely affects the department's efficiency, or adversely affects the employee's ability to perform their assignment. A record of infractions shall be handled at this level.
- b) A major infraction shall be handled by the Chief of Police or Captain and range from a reprimand, a suspension and/or demotion up to dismissal.

- 4. These three levels are guidelines only. The Chief of Police may take discipline outside these guidelines when circumstances are present to warrant deviation.

C. If an incident of employee misconduct results in discipline (oral reprimand, written reprimand, suspension, termination), the action shall be documented in written format.

- 1. The notice shall state the reason and effective date of the discipline.
- 2. The employee shall receive a copy: and the original shall be placed in the employee's personnel file located in the Chief's office.
- 3. The employee shall also be informed of his/her appeal rights.

D. Permanent employees may be discharged for just cause.

- E. Probationary employees may be discharged or their probationary period extended for an additional one (1) year at any time during the probationary period without cause.

#### IV. AUTHORITY TO USE DISCIPLINE

- A. Counseling and/or training – A Lieutenant or higher rank
- B. Verbal reprimand - A Lieutenant or higher rank
- C. Relieved from duty with pay pending consultation with the Chief or his designee – A Lieutenant or higher rank
- D. Written reprimand - Chief of Police or Captain
- E. Suspension with or without pay - Chief of Police/Police and Fire Commission
- F. Demotion - Chief of Police/Police and Fire Commission
- G. Discharge - Chief of Police/Police and Fire Commission

#### V. APPEAL PROCEDURES

- A. Non-sworn union employees may appeal disciplinary action through the Labor Agreement Grievance Procedures.
- B. Non-sworn, non-union employees may appeal disciplinary action through the Personnel Committee Policy established in the City of Port Washington Employee Policy Manual.
- C. Sworn employees have the right to request a hearing before the Police and Fire Commission for disciplinary action resulting in suspension, demotion, or dismissal. Other forms of disciplinary action may be appealed through the Labor Agreement Grievance Procedures.

#### VI. LIEUTENANTS RESPONSIBILITY

- A. Every lieutenant has a responsibility for knowing and practicing the procedures established by the Port Washington Police Department to deal with employee behavior which is contrary to expectations. If supervision fails to follow the above stated procedures or is not conforming to expected behavior patterns, the lieutenant shall be subject to discipline.

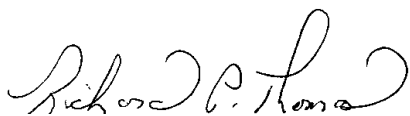
- B. Lieutenants are responsible for carrying out the directions of the Chief of Police and command staff of the Port Washington Police Department. Direction is an implicit task of supervision. Such direction is effected through formal written directives, verbal directives, and interpersonal relationships between supervisors and subordinates. Leadership is also an important part of all supervisory personnel responsibilities.
- C. The Port Washington Police Department recognizes that leadership can occur only when each member of the department in a position of authority understands the responsibilities and knows the limits of authority to complete assigned tasks. Failure to carry out responsibilities will render the department ineffective.
- D. It is the Lieutenants' responsibility to provide the impetus for directing personnel and other department resources toward the attainment of department expectations. Lieutenants are granted the authority to carry out these responsibilities and by the same token, are held accountable for the completion of such tasks.
- E. Lieutenants must realize that their activities must be:
  - 1. Authorized;
  - 2. Departmentally authorized by written directives or general order; and
  - 3. Understood by everyone in the agency.
- F. Lieutenants are responsible for completing the following documentation regarding disciplinary matters: (Dependant on the situation).
  - 1. Investigative Report, if warranted.
  - 2. Written suggestions for performance improvement. This report must be approved by the Chief of Police prior to signing by the officer and Lieutenant involved in the performance improvement plan.
  - 3. If a verbal warning is given, documentation of this warning must be completed and provided to the Chief of Police or the Captain. (See II C above.)
- G. The employee shall be given a copy of the disciplinary action documentation; and the original shall be placed in the employee's personnel file located in the Chief's office.

## VII. COMMAND STAFF RESPONSIBILITY

- A. Command staff are members of the department holding the rank of Captain and above.

- B. Command officers are responsible for the Lieutenants of the Port Washington Police Department and the performance of their duties. It is the responsibility of the command officer to ensure that Lieutenants are carrying out the goals and objectives of the Chief of Police and command staff through the activities of line personnel.
- C. Command officers are responsible for the orderly day-to-day operations of the department. Command officers review the activities of Lieutenants and line personnel on a continual basis, assuring adherence to department rules and regulations, directives, and general orders.
- D. In disciplinary matters, command officers review the actions of Lieutenants and ensure the level of discipline applied is appropriate in each instance. Command officers ensure that Lieutenants have properly documented all matters of disciplinary concern to the department. Once each instance has been completed to command staff's satisfaction, the command officers are responsible for forwarding appropriate reports to the Chief of Police. All records of discipline are kept in the employees' personnel file. Copies are also kept in the Internal Investigation file, secured, and are sequentially numbered within the year they occurred. Command officers are also responsible for making recommendations to the Chief of Police, which deal with levels of discipline beyond their authority (i.e., written reprimand, demotion, suspension, and dismissal).
- E. Command officers are granted the authority to carry out the requirements of this general order. Command officers are held accountable to the Chief of Police for their actions and the actions of their subordinates.

**APPROVED:**



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Chief Richard P. Thomas

**DATE:**

7/29/09